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# Licensing (Licensing and Gambling) Sub-Committee

Thursday, 15th December, 2011 at 9.30 am

## PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public **Members** 

Councillor Cunio Councillor Parnell Councillor Willacy

#### **Contacts**

Democratic Support Officer Sharon Pearson Tel: 023 8083 4597

Email: sharon.pearson@southampton.gov.uk

Head of Legal and Democratic Services Richard Ivory Tel. 023 8083 2794

Email: <a href="mailto:richard.ivory@southampton.gov.uk">richard.ivory@southampton.gov.uk</a>

## **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**

### Business to be discussed

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

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

#### **Rules of Procedure**

#### Quorum 3

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

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.

## **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.

<u>Note:</u> 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 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 1<sup>st</sup> December 2011 and to deal with any matters arising, attached.

## 6 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.

# 7 <u>APPLICATION FOR A PREMISES LICENCE - SAINSBURY'S SUPERMARKET,</u> 202-224 PORTSWOOD ROAD, SOUTHAMTPON

Report of the Head of Legal and Democratic Services, detailing an application for a premises licence in respect of Sainsbury's Supermarket, Former Bus Depot, Development Site, 202-224 Portswood Road, Southampton, attached.

# 8 <u>APPLICATION FOR A REVIEW OF A PREMISES LICENCE - CK'S FOOD, WINE AND SPIRITS, 92 ST MARY'S ROAD, SOUTHAMPTON, SO14 OAH</u>

Report of the Head of Legal and Democratic Services, detailing an application by Hampshire Constabulary for a review of a premises licence in respect of CK's Food, Wine and Spirits, 92 St Mary's Road, Southampton, SO14 OAH, attached.

Tuesday 6<sup>th</sup> December 2011

HEAD OF LEGAL AND DEMOCRATIC SERVICES

# LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE MINUTES OF THE MEETING HELD ON 1 December 2011

<u>Present:</u> Councillors Cunio, Parnell and Vassiliou

Apologies:

## 55. **ELECTION OF CHAIR**

**RESOLVED** that Councillor Parnell be appointed Chair for the purposes of this meeting.

## 56. MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

**RESOLVED** that the minutes of the meeting held on 17<sup>th</sup> November 2011 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

## 57. **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a predetermined point whilst the Sub-Committee reach its decisions.

# 58. <u>APPLICATION FOR A PREMISES LICENCE - THE ROCKSTONE, 63 ONSLOW</u> ROAD, SOUTHAMPTON, SO14 OJL

The Sub-Committee considered the application for a premises licence in respect of The Rockstone, 63 Onslow Road, Southampton, SO14 OJL. (Copy of the report circulated with the agenda and appended to signed minutes).

Mr Greenwood, Owner, Mr Currie (Counsel), PC Harris, PC Wood and Miss Kingston, Hampshire Constabulary, Mr Wainwright, Environmental Health Officer, Mrs Griffiths and Ms Parry Davies, Objectors, were present and with the consent of the Chair, addressed the meeting.

Legal advice was accepted by the Sub-Committee in relation to the Cumulative Impact Policy. It was noted that the premises was located within the boundary of a previously identified stress area, and was subject to the provisions of the formally adopted Cumulative Impact Policy "CIP" (adopted 13 May 2009, confirmed upon review 17 November 2010) that applied to that area.

The Committee noted in particular that:-

- one effect of the CIP was that a *rebuttable presumption* applied to applications for premises licences;
- the rebuttable presumption was that such applications should ordinarily be refused;
- the standard of proof for the consideration by the Committee of any matter relating to cumulative impact should be on the balance of probabilities; and
- Licensing Policy CIP2 16.9 provides that the onus was upon applicants to demonstrate through their Operating Schedule and where appropriate supporting evidence that the operation of the premises would not add to the cumulative impact already being experienced.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

**RESOLVED** that the application for a premises licence be granted, subject to:-

- (i) the conditions proposed by the police (relating to CCTV, Incident Book, Challenge 25, Training, Dispersal Policy and Authorisation of Supply of Alcohol) agreed by the applicant during the course of the hearing;
- (ii) the premises employing at least one member of door staff during any hours the premises were open on a Friday or Saturday after 20h00; and
- (iii) the hours for licensable activities as applied for, subject to the following amendments:-

## • F Recorded Music

Sunday – Thursday shall cease at 23h30 Friday and Saturday shall cease at 0h30

M Supply of Alcohol

Sunday – Thursday shall cease at 23h30 Friday and Saturday shall cease at 0h30

O Opening Hours

Sunday – Thursday close at 00h00 Friday and Saturday close at 01h00

## **REASONS**

The Sub-Committee considered very carefully the application for a premises licence at the Rockstone. Due regard was given to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy and in particular the Cumulative Impact Policy. Human rights legislation was also borne in mind whilst making the decision. The Sub-Committee considered all the evidence submitted by all parties, both written and given orally today.

The Sub-Committee noted that following consultation with residents, Environmental Health and the police, the applicant had amended the application by way of reducing the terminal hour for recorded music, the supply of alcohol and opening hours of the premises.

The applicant also confirmed that no application would be made in respect of films, live music, anything of a similar description to that falling within parts E, F or G of the application, provision of facilities for making music, and provision of facilities for dancing, despite forming part of the original application.

The Licensing Sub-Committee considered very carefully the location of the premises and in particular the fact that it was located within an area identified as suffering from issues of crime, disorder and public nuisance - designated as a stress area in accordance with the licensing policy and accepted that a rebuttable presumption did apply.

On the balance of probabilities, the Sub-Committee determined that the premises as applied for today, following significant amendment, would not likely lead to an increase in the problem issues experienced within the area.

The following factors were persuasive when reaching this conclusion:-

- the fact that the application had been amended to very clearly establish that this was a food-led business and not one making any provision for dancing or recorded music other than background music; and
- the hours that the premises were open did not fit the pattern of existing businesses in the locality and did not lend themselves to a late night drinking establishment.

It was clear that the application had been amended over a period of time and that the applicant had not made the position as clear as it could have been from the outset. Nonetheless, the Sub-Committee was bound to consider the application as placed before it today on its own merits.

In light of the sensitive nature of the area where the premises were located and the strength of the representations, the Sub-Committee did not grant the full extent of the hours applied for and felt that those applied were a fair balance between residents and the applicant.

The Sub-Committee considered very carefully attaching a condition with regards to recorded music/amplified sound, but accepted advice from the Environmental Health Officer during the hearing that this might be problematic in practice. Accordingly, the applicant should be warned that any complaint or issue resulting from the increase in volume of recorded music would be considered seriously by any future Sub-Committee, in the event of a further hearing initiated by a review of the premises licence, particularly as the premises location was within a stress area.





Reference: 2011/02657/01SPRN Hearing: 15th December 2011

**Application for Premises Licence** 

Premises Name: Sainsbury's Supermarket Premises Address: Former Bus Depot

Development Site 202 - 224 Portswood

Road

Southampton

Application Date:

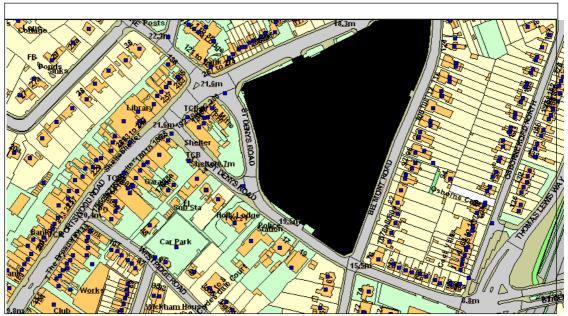
Application Received Date:

26th October 2011 27th October 2011

Application Valid

Date:

27th October 2011



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## Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	Yes	
Hampshire Fire And Rescue - Licensing	Yes	

Environmental Health - Licensing	Yes	
Planning & Sustainability - Building Control - Licensing	Yes	
Planning & Sustainability - Development Control - Licensing	Yes	
Police - Licensing	No	
Trading Standards - Licensing	Yes	

## Other Representations

Name	Address	Contributor Type
Cllr Adrian Vinson	Portswood Ward Councillor Members Room Civic Centre Southampton	Ward Councillor
Mr. Keith Reed	21 Khartoum Road Southampton SO17 1NY	Local Neighbourhood Group

## Legal Implications

- 1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a new Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
- The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by those directly affected.
- 3. An applicant for a new Premises Licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the

4. In considering this application the 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 committee must makes its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching it's decision.

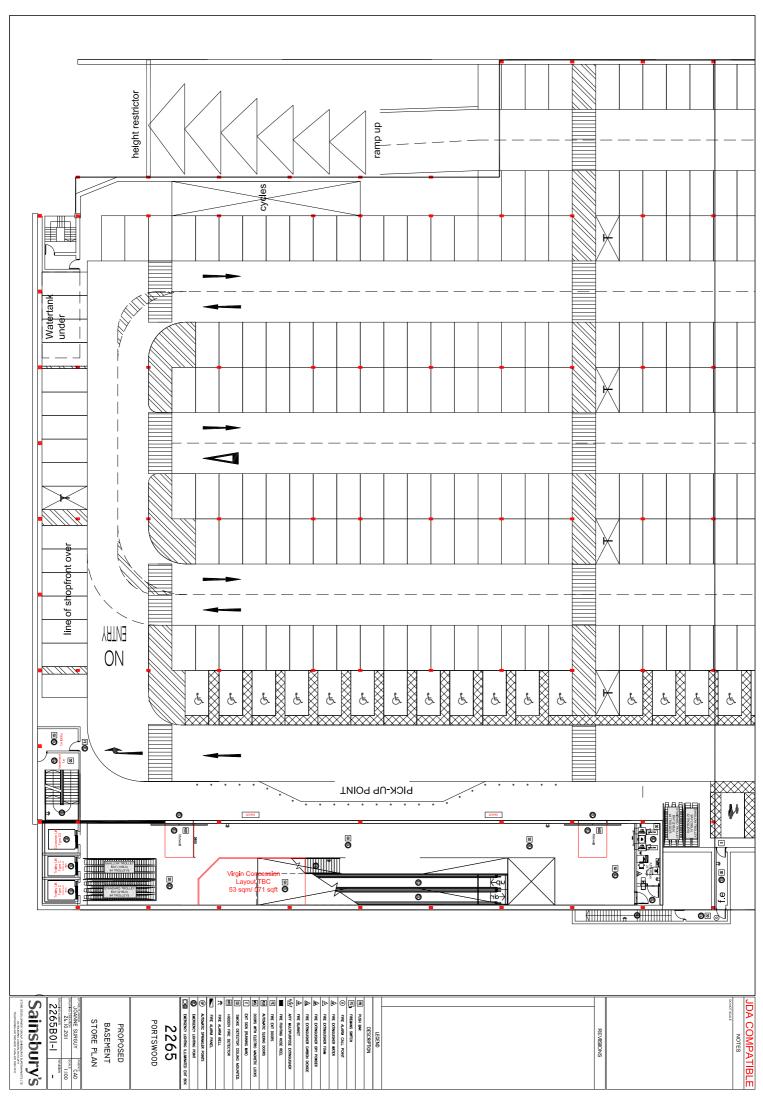
The committee must also have regard to:-

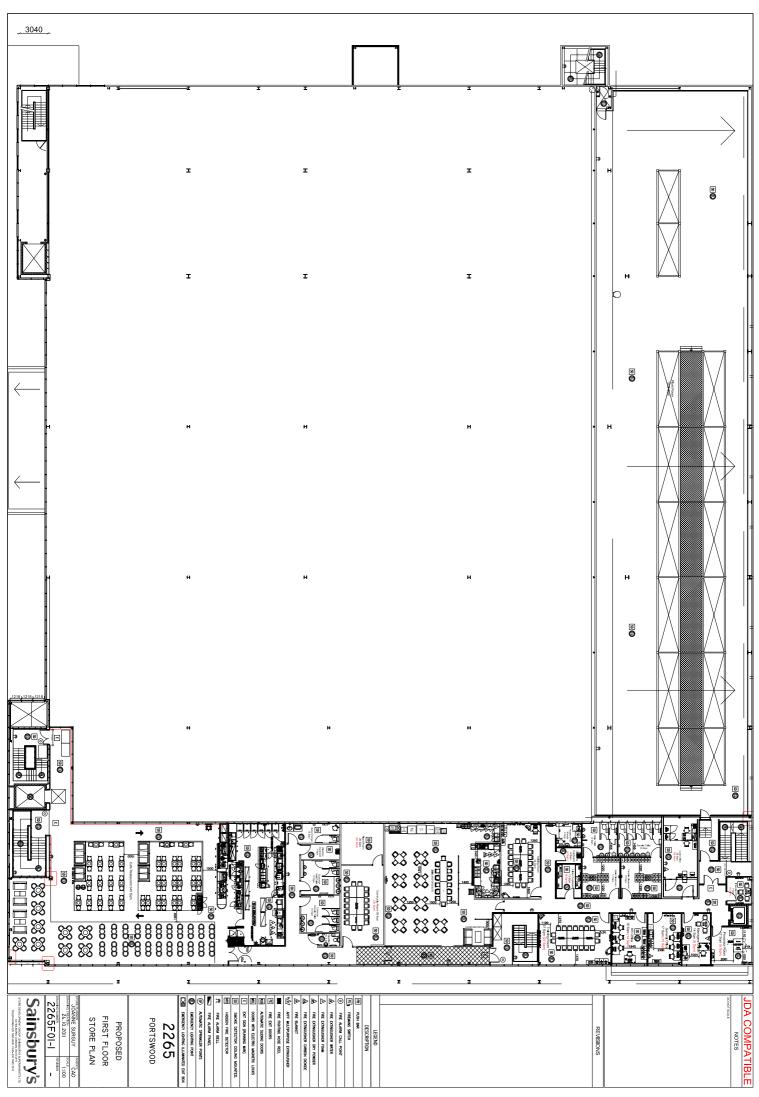
#### 5. Crime and Disorder Act 1998

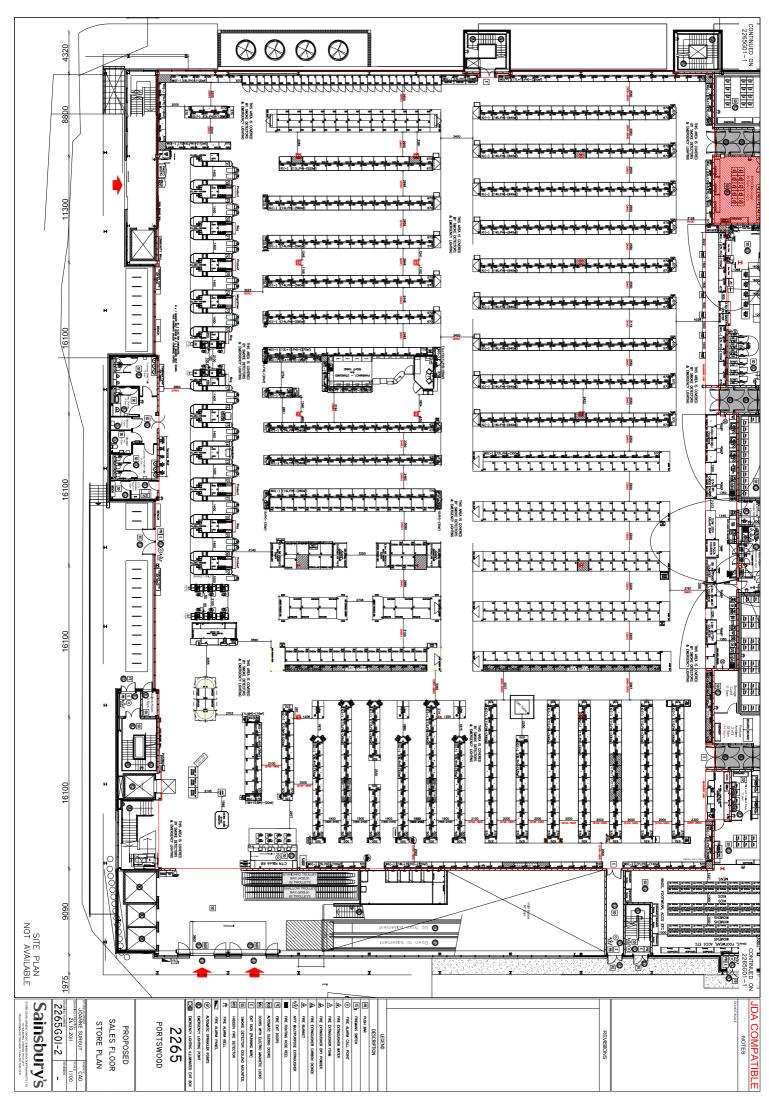
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

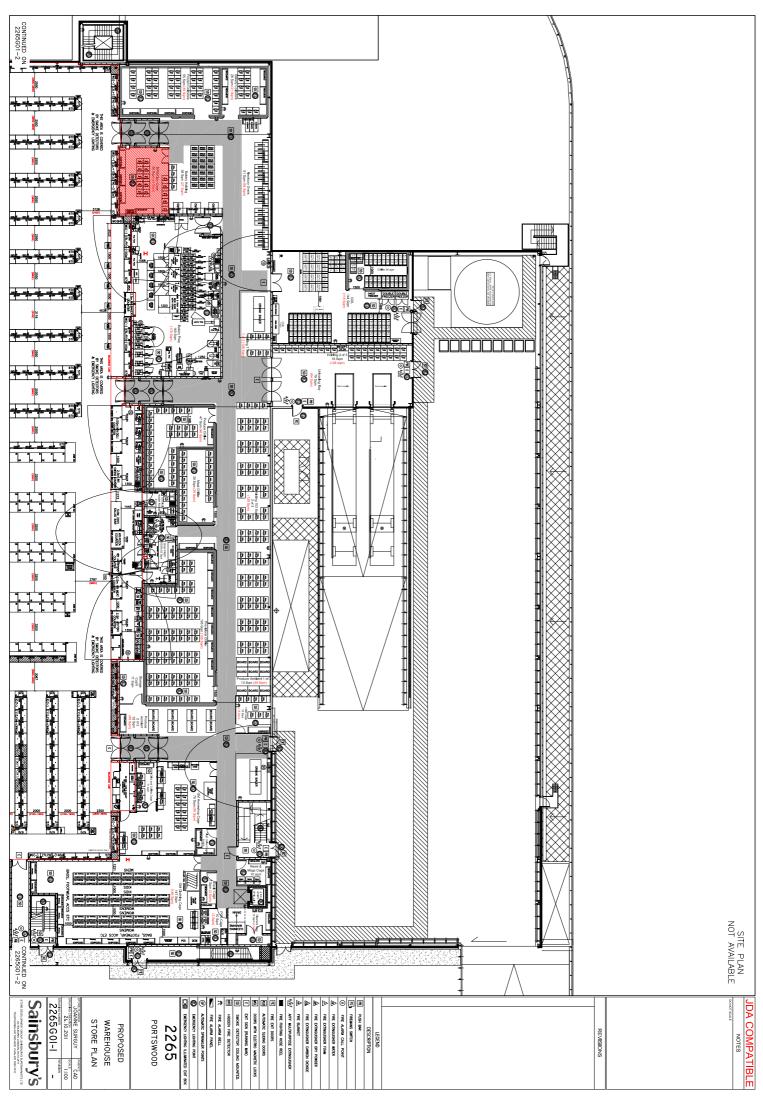
### 6. Human Rights Act 1998

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 persons 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 affect 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.









From: Marshman, Ivan [ivan.m

1

Subject: FW: Objection to New Premises Application Sainsbury's Portswood 26508/1460

Importance: High

Robert,

I have seen the e mail you sent to PC Wood today asking if we agreed with the conditions you initially sent. I sent the e mail below to you on the 17/11/11 and have not received a reply? Did you receive it?

Unfortunately at this time Hampshire constabulary do not agree the conditions you've suggested and the deadline to object is the 27/11/11. The location of the premises means that detailed conditions are required to support the licensing objectives.

Therefore, at this time I submit an **objection** to your application. However, as explained above this may be a communication issue. If once you have viewed the conditions below and view them as proportionate could you let PC Wood know as I am not back into the office until Wednesday. In which case we would then look to withdraw our objection.

Kind Regards,

Ivan

PS 3555 MARSHMAN

Violent Crime & Licensing Sgt Southampton Central Police Station Southern Road, Southampton. SO15 1AN Tel 02380 Ex 325

From: Marshman, Ivan

**Sent:** 17 November 2011 11:41

To:

**Sub** ortswood 26508/1460

Robert,

Thanks for the update. I've taken this application on due to PC Woods work load increasing.

I've been advised that Pc Wood did e mail you our suggested conditions.

We would request the following to be added to your cctv condition-

• The recording system will be able to capture a minimum of 4 frames per second.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained. These records will be kept for a minimum of 6 months and available for inspection by request of the police or licensing authority.

The suggested staff training condition doesn't actually state what has to be provided in your training nor does it state the training has to be signed. Nor does it state if you have to retain the records. Therefore I would suggest the following-

- Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; signs and symptoms of drunk persons, refusal of sale due to intoxication and 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 are signed and dated by the member of staff who undertakes the training. The alternative to this would be to put in your current condition "The training is to be agreed to meet the requirements of Hampshire constabulary this agreement will be provided by Hampshire Constabulary in writing". We would suggest having the condition below attached as well.
- Records will be available for inspection by Hampshire Constabulary and the licensing Authority. Records will be kept for a minimum period of two years.

Your incident book condition states the cashiers have to complete it when it would need to also cover the security staff who will more than likely end up detaining someone and could be open to assault allegations. It is very vague what issues do you have with the following condition?

#### **Incident book**

An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

Any incidents that include physical altercation or disorder, physical ejection, injury or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

I'm not in tomorrow and will be back on Tuesday. I'm happy to discuss the conditions further but they need to

cover the main points above.

## Kind Regards

Ivan

PS 3555 MARSHMAN

Violent Crime & Licensing Sgt Southampton Central Police Station Southern Road, Southampton. SO15 1AN Tel 02380 Ex 325

**From:** Robert Botkai [mailto:r **Sent:** 04 November 2011 17:

**To:** Wood, Bethan **Cc:** Elaine Finlay

Subject: Sainsbury's Portswood 26508/1460

#### Bethan

Thank you for your email dated 4 November addressed to Elaine Finlay.

I suggest that the application be amended to include the following steps in the operating schedule which will become conditions on the licence:

#### **Training**

All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer on request

### **Incidents**

All cashiers shall be instructed to record in an incident book/register:

- All incidents of crime and disorder occurring at the premises;
- Details of occasions when the police are called to the premises.

This book/register will be available for inspection by a police officer on request.

The operating schedule already contains a condition concerning the Think 25 policy at the store.

Please confirm that this is agreed and I will notify the licensing officer.

Thanks and have a good weekend.

Robert

Robert Botkai Partner

LOGO gif.GIF

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From: Keith Reed

**Sent:** 18 November 2011 15:05

To: Montague, Hayley

**Subject:** Re: 2011/02657/01SPRN

Hayley Montague

Licensing Enforcement Officer Southampton City Council

Dear Hayley Montague,

Further to my previous message, I would like to write more formally outlining Highfield Residents' Association's (HRA) objection to the proposed granting of an alcohol license for the new Sainsbury's in Portswood from 06.00-00.00 for seven days a week. I have already submitted a shorter note online to ensure our opposition was noted and would ask for this longer objection to take precedent.

Our committee, which is elected from over 600 household members in Highfield and Portswood area, discussed this application in some detail at our recent monthly meeting. Our principle concerns were the possible effect the increased availability of alcohol from this retail unit could have on crime and disorder, public nuisance and public safety in area. Portswood Broadway already acts as a meeting point for problem drinkers who, on occasion, act in an anti social way. Given the proposal to allow it to open and sell alcohol earlier and for longer then other retailers in the area, the degree of public nuisance caused by this particular group is likely to worsen.

As you will be aware, Portswood and the surrounding area have a thriving social scene with many public houses and restaurants. The majority of patrons act in a responsible way and the range of establishments brings a greater degree of choice for local residents. Unfortunately, the widespread availability of alcohol also results in drunkenness and anti social behaviour from a small but significant number of patrons. Therefore, it is not inconceivable that the later opening time, which is after many of the public houses close, could lead to drinkers leaving pubs and then dashing across the road to stock up on more alcohol before the store closes. Encouraging large numbers of inebriated drinkers to cross a very busy junction is of concern.

I would also like to add that the pricing regime of alcohol at large multinational stores has been a source of recent public debate and there is some evidence to suggest that their price promotions can lead to increased consumption especially among certain groups. Front loading of drinking among students and other younger residents is well noted, and Portswood has one of the highest concentrations of students in the city. It should be noted that the majority of students who live locally are well behaved, however the local neighbourhood police team regularly target drunkenness and anti social behaviour among this group. Students often take part in pub crawls and other alcohol related social activities in the area and once again, these proposals are likely to make matters worse.

As an organisation founded by and run on behalf of local residents, we welcome the opportunity to give our views on this license and look forward to be updated on this matter in due course.

Yours sincerely

Keith Reed

Highfield Residents' Association Committee Member for Licensing and Planning. 21 Khartoum Road. SO17 1NY

From: "Montague, Hayley"

To: Keith Reed

Sent: Wednesday, 16 November 2011, 20:19

**Subject:** RE: 2011/02657/01SPRN

Hi Keith,

The application is for a Sainsbury's supermarket at the former Bus Depot site and is for the sale of alcohol for consumption off the

premises between 06:00 and the provision of late night refreshment between 23:00 - 00:00. Unlike the previous application we discussed which only the Police are capable of objecting to, as this is a new premises licence application local residents and businesses are able to submit their own representations to the application. Further information on representations can be found via the following link:

http://www.southampton.gov.uk/business/licensing/alcohol-licences/representations.aspx

Please note representations must be received by 24th November 2011 when the consultation period will end.

Kind regards,

Hayley Montague Licensing Enforcement Officer Southampton City Council

From: Keith Reed

Sent: 16 November 2011 18:16

**To:** Montague, Hayley

Subject: 2011/02657/01SPRN

Hi Hayley,

I brought this application to the attention of Highfield Residents' Association committee and local councillors, including ward Councillor Adrian Vinson, on Monday evening and they were very concerned that an application to supply alcohol from 06.00-0000 had been submitted and might be approved. Is there any way of making representions against this proposal or does it have to be done via the police's licensing team as suggested below?

many thanks

keith

From: "Montague, Hayley"

To: Keith Reed ·

**Sent:** Friday, 4 November 2011, 12:08 **Subject:** RE: 2011/02687/01SPRD

Keith,

The Police have their own Licensing Team – 023 8067 4768 - who deal with all Licensing matters from a crime and disorder point of view.

Kind regards, Hayley Montague Licensing Enforcement Officer Legal & Democratic Services

**Southampton City Council** 

From: Vinson, Adrian (Cllr) Sent: 21 November 2011 15:52

To: Montague, Hayley

Subject: SAINSBURY PORTSWOOD: Application no. 2011/02657/01SPRN: Extension of licensing hours

Dear Hayley Montague,

I hope I am writing, as a Portswood ward councillor, to the right person regarding the above application. If not, I would be most grateful if you could forward this if possible to any appropriate colleague.

I wish to object to the hours for which Sainsbury are applying for a license to sell alcohol and refreshments. While I believe 6.00am is too early an hour, my principle objection is to the application for a license to sell alcohol and refreshments up until midnight. This is, I believe, in contravention of the hours of trading attached as a condition to planning permission for the store, and substantially later than the operating hours of other supermarkets/off licences in the vicinity. The store is located in what is predominantly a residential area which already suffers considerable disturbance from late night patrons, many of them students, of bars and clubs, including those in Bevois Valley, returning along Portswood Broadway and then through residential streets either to hall of residence of HMO accommodation in the community, or conversely from The Cube on the University of Southampton campus. With a licence until midnight Sainsbury is likely to become a magnet for those wishing to purchase alcohol for consumption on the streets.

I would therefore strongly urge that Sainsbury's licence is restricted, preferably to 8.00 am to 10.30 pm, but in any event not later than 11.00 pm.

I would be grateful if you could notify me as to the date at which this application will come before the Licensing Panel as I may well wish to attend and make an oral representation.

Yours.

Cllr Adrian Vinson Portswood Ward Councillor





Reference: 2011/02611/01SRAP Hearing: 15th December 2011

## **Application for Review of Premises Licence**

Premises Name: CK's Food, Wine And

**Spirits** 

Premises Address: 92 St. Mary's Road

Southampton

SO14 0AH

24th October 2011 Application Date:

Application

Received Date:

25th October 2011

**Application Valid** 

Date:

25th October 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	No response received	
Environmental Health - Licensing	Yes	No comments to make from Environmental Health as the issues are outside of our remit.  P D Wainwright Principal EHO
Planning & Sustainability - Building Control - Licensing	No response received	
Planning & Sustainability - Development Control - Licensing	No response received	
Police - Licensing	No	See attached representation
Trading Standards - Licensing	No	See attached representation

# 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.
- 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 or the responsible authorities may make representations in that period.
- 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 makes 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 affect 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.



# Hampshire Constabulary Chief Constable Alex Marshall

Southampton Central Police Station
Southern Road
Southampton
Hampshire
SO15 1AN

Southampton City Council Licensing Team PO BOX 1344 Southampton SO15 1WG

Our ref: 44100100557

Your ref:

**Telephone:** 0845 045 45 45 **Direct dial:** 02380674768

Fax No: 023 8067 4397

Deaf/speech impaired minicom: 01962 875000 Email: southampton.licensing@hampshire.pnn.police.uk

25th October 2011

Dear Sir or Madam.

Hampshire Constabulary is applying for a review of the premise licence of CK's Food, Wine & Spirits, 92 St Mary's Road, Southampton. You will find enclosed the application complete with the grounds of the review and initial disclosure.

Should you have any queries please do not hesitate to contact me.

Yours faithfully,

PC 24191 Bethan Wood

Violent Crime & Licensing Department Southampton

RECEIVED

2 5 OCT 2011

SOUTHAMPTON CITY COUNCIL Legal Services







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

PC 24191 Bethan Wood , on behalf of the Chief Officer of Hampshire Constabulary, (Insert name of applicant)				
Apply for the review of a premises licence.				
Apply for the review (Select as applicable)	w of a club premises certificate.			
Premises or Club Pre	emises details			
Postal address of premises:	CK's Food Wine & Spirits, 92 St Mary's Road, Southampton			
Postcode (if known):	SO14 0AH			
Name of premises lice Raghbir Singh RATHC	nce holder or club holding club premises certificate (if known) PR			
Number of premises licence or club premises certificate (if known) 2007/00746/01SPRN				
Details of responsible authority applicant				
Mr Mrs Mis	ss Ms Other title / Rank: PC 24191			
Surname: WOOD	First Names: BETHAN			
Current postal address :	Southampton Violent Crime Reduction & Licensing Team Southampton Central Police Station Southern Road Southampton			
Postcode:	SO15 1AN			
Daytime telephone number:	02380 674768			
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



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

		Select one or more boxes
1)	The prevention of crime and disorder	$\boxtimes$
2)	Public safety	
3)	The prevention of public nuisance	
4)	The protection of children from harm	

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

On behalf of the Chief Officer of Police I am writing to request review of the above Premises Licence. The review is requested on the following grounds:

- 1) The prevention of crime & disorder
- 2) Public safety
- 3) The protection of children from harm

The Police make this request based on recent events at the premise and concerns over the attitude of the management towards the authorities and the licensing objectives.

The DPS for the premise is Harvinder Singh RATHOR. RATHOR has previously been issued with a fixed penalty notice on 15th November 2007 by PC 2193 SULLIVAN for supplying alcohol to a person under the age of 18 years old. This is clear evidence for not supporting the licensing objectives with reference to protecting children from harm. RATHOR has since gone on to commit the offence a second time. On the 20th August 2011 Harvinder Singh RATHOR supplied alcohol to a person under the age of 18 years old during as test purchase operation. He has been reported for summons in respect of this offence and Hampshire Constabulary will be requesting that his personal licence be revoked at court. Harvinder continues to demonstrate a complete lack of understanding of the expectations of Personal Licence Holders and in committing this offence for the second time also fails to comply with the three licensing objectives of Prevention of crime and disorder, Public safety, and Protection of children from harm.

Harvinder Singh RATHOR was also DPS for another store owned by the same family - R & J Wines & Beers. This premise was subject of a review on 27th January 2011 which led to revocation of the Premises Licence. This review was brought following failed test purchase operations, and seizure of counterfeit and non-duty paid alcohol (21st July 2010). On 22nd September 2011 Harvinder Singh RATHOR and Hardeb Singh RATHOR re-applied for a premises licence in respect of R & J Wines & Beers (to now be called R R Food & Wine). The application was objected to by both Police and Trading Standards. In refusing the application, the decision notice of the sub committee states that "The sub-committee was not satisfied that the applicants would be capable of running the premises in accordance with the Licensing Objectives, in particular the protection of children from harm, and public



safety".

The same issues now lead to the review of the Premises Licence in respect of CK's Food, Wine & Spirits. On 13th July 2011 a Trading Standards Officer bought a bottle of Sobieski vodka. The bottle did not bear a duty stamp as required under The Duty Stamp Regulations 2006. Harvinder Singh RATHOR is clearly continuing to sell non-duty paid alcohol, knowingly committing an offence in doing so. He demonstrates a disregard for his responsibilities as a Personal Licence Holder and Designated Premises Supervisor and does not support the licensing objective of Prevention of Crime and Disorder.

Furthermore, on 2nd August 2011 PC 24288 Harris attended CK's at the request of Trading Standards. This was because the owners and employees had been difficult and aggressive on previous visits. Harvinder Singh RATHOR was not present on this occasion but Hardeb Singh RATHOR was present and serving customers. On this occasion the Premise Licence Holder Raghbir RATHOR arrived and, together with Hardeb Singh RATHOR, was obstructive and displayed aggression to officials and Police. Bottles of Polish vodka were seized which were suspected to be non-duty paid. Trading Standards and PC HARRIS provide evidence of this visit. This shows an ongoing hostility towards authority and demonstrates that the same issues dealt with at R&J's are inherent within the business practise at CK's. This is yet another incident at the premises, failing to promote the licensing objectives or Prevention of Crime and Disorder and Public Safety.

Paragraph 11.26 of the October 2010 Amended Guidance issued under Section 182 of the Licensing Act 2003 states that "there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously". This includes "the use of the licensed premises for the sale of smuggled tobacco and alcohol". Paragraph 11.27 states that "it is envisaged that licensing authorities, the police, and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in the first instance - should be seriously considered".

The police are of the opinion that continued operation of the premises by Harvinder Singh RATHOR will result in consistent failure to meet the licensing objectives, and flagrant breaches of licensing law. The very same issues that lead to the revocation of the licence at R & J Wines & Beers have been repeated at CK's Food, Wine & Spirits. The police therefore seek review of the premises licence with a view to revocation, and suggest that allowing retention of the licence would be perverse in the circumstances set out above.

Have you made an application for review re	elating to t	hese prer	mises before:	□Yes	⊠No
If yes please state the date of that application:		/	/	·	
	Day	Month	Year		



If you have n were	nade representations before relating t	to this premises please s	state what they
Please tick  I have so premise	ent copies of this form and enclosure es licence holder or club holding the c	es to the responsible autl lub premises certificate,	norities and the as appropriate
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			
Signature of	Officer Completing		
Name	Bethan WOOD	Collar Number:	PC 24191
Signature:	12 CONTRACTOR	Date:	22/10/11
Signature of	f Authorising Officer (Inspector or abo	ove)	
Name	L'BATES	Collar Number:	5912
Signature:		Date:	24/10/11

# **Initial Disclosure**



## TRADING STANDARDS SERVICE WITNESS STATEMENT

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

	A STATE OF THE PROPERTY OF THE	
	STATEMENT OF:	LUCAS MARSHALL
	AGE IF UNDER 18:	OVER 18
	and I make it knowing that,	f 2 page(s) each signed by me) is true to the best of my knowledge and belief if it is tendered in evidence, I shall be liable to prosecution if I have wilfully know to be false or do not believe to be true.
	Dated the 964 day of 3	Signature Signature
		being unable to read the statement,
OVER THE PROPERTY OF THE PERSON OF THE PERSO	1	Of annual control of the control of
***************************************		read it to him/her before he/she signed it.
	Dated the day of	2011 Signature:
٩	My name is Lucas Marsh	nall. I am employed as a Trading Standards Officer by Southampton
-	City Council. On 13 <sup>th</sup> July	/ 2011 I requested Fair Trading Officer, Rebecca Adams to enter CK's
enegopolica de la composição de la compo	Food & Wine, acting as a	customer, and purchase a bottle of vodka. I witnessed Rebecca enter
3	the store at approximatel	y 18.00. Shortly after she returned from the store and gave a 70cl
on the second se	bottle of Sobieski vodka t	to me. The bottle did not bear a duty stamp, as required under The
edathecompletes over	Duty Stamp Regulations	2006. I subsequently labelled the bottle as sample number 012141
)	and placed it in a sealed b	pag. On 27 July 2011 I submitted the sample to the public analyst and
ofto-outrotalassassassassassassassassassassassassas	I am currently awaiting the	e results. On 2 <sup>nd</sup> August 2011, at approximately 14.15 I conducted an
2007.com/enterpress	inspection at CK's Food	& Wine, 92 St Marys Road, Southampton. Police Officer Jonathan
)	Harris and Fair Trading C	Officer Claire Hill were also present. I showed my identification to the
***************************************	person behind the counter	r, who identified himself as Hardev Singh Rathor, and I told him that a
***************************************	purchase of illegal alcoho	ol had been made at this store on 13 <sup>th</sup> July 2011. I cautioned him at
111	approximately 14.20. Ha	rdev said that he did not know where the non duty paid alcohol had
NAMES OF PERSONS ASSESSED.	come from. Shortly after H	Hardev Singh Rathor made a phone call. Within a few minutes two
, management	Signature:	



PAGE NO: 2 CONTINUATION OF STATEMENT DATED: 09/09/11

BY: LUCAS MARSHALL

men had arrived, one who identified himself as Mr R Singh. He would not give his first name, but said that he was the father of the owner of the business. He proceeded to be verbally abusive throughout the inspection. He also said that as you can bring duty free alcohol into the country it is not a problem to sell it. I seized a total of 37 bottles of alcohol which I produce as Exhibits LM/1 to LM/5. I produce as Exhibit LM/6 a table which identifies the exhibit numbers, the products seized and their quantity and non compliances with appropriate legislation. Food samples were subsequently taken from the exhibits seized, and submitted to the public analyst. These samples and their sample numbers are identified in Exhibit LM/6. I am currently awaiting the results of analysis for these samples.

Signature: ..

D

В

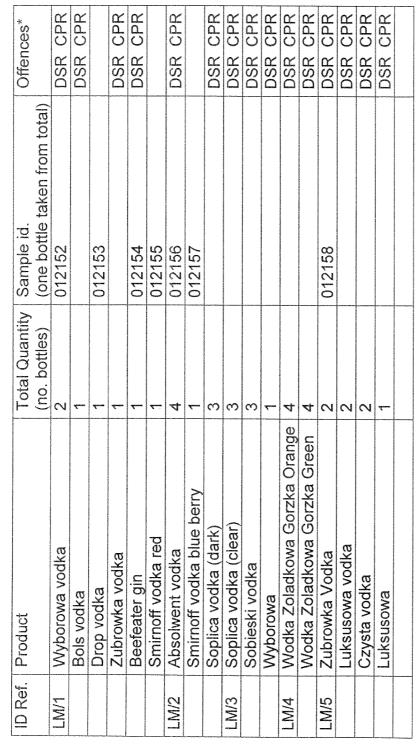
E

F

G

ST1(2)HQ

# Exhibit LM6



\*DSR: Duty Stamps Regulations 2006 CPR: Consumer Protection from Unfair Trading Regulations 2008

SOUTHAMPION CITY COUNCIL® Trading Standards Service

Exhibit reference

Description of article

TABLE MORGATING ALC.4.C

167260 AND OFFENCES

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARSHALL





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 18** 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 7th day of Septembl2011 Signature: being unable to read the statement, Of .... read it to him/her before he/she signed it. Dated the ...... day of ......2011.... Signature: My name is Rebecca Adams. I am employed by Southampton City as a Fair Trading Officer. On 13<sup>th</sup> July 2011 at approximately 6.00 pm, at the request of Trading Standards Officer, Lucas Marshall, I entered CKs Food & Wine, St Marys Road, Southampton. He had asked me to purchase a bottle of vodka, acting as a customer. I looked at the bottles and noticed that the 70 cl bottles of Sobieski Vodka did not have duty stamps on them. I took one to the counter and purchased it. It cost £13.99. The seller was a young male in his early 20s. After leaving the premises I gave the bottle to Lucas Marshall. Signature: ...

Α

В

C

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ST1(1)HQ







## 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 18
	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 Std day of OCT 2011 Signature
	being unable to read the statement,
	1
	read it to him/her before he/she signed it.
	Dated the day of
Α	My name is Lucas Marshall. I am employed by Southampton City Council as a Trading
	Standards Officer. Further to my statement of 9 September 2011, I produce as Exhibits LM/7 to
	LM/13 Certificates of Analysis relating to samples 012152 to 012158. I also produce a table
В	which identifies products seized and sampled from CK's, 92 St Marys Road, Southampton and
	summarises non-compliances with appropriate legislation as Exhibit LM/14. On 29 September
	2011 I interviewed Harvinder Singh Rathor, the owner and Designated Premises Supervisor of
С	CK's, 92 St Marys Road, Southampton, in accordance with the Police and Criminal Evidence
007000mmeters	Act 1984 and associated Codes of Practice. The interview was conducted in the interview room
TEK DAGONEN SEKKOLOGIAN SE	at Trading Standards Service, 7 Civic Centre Road, Southampton. I produce a copy of the
D	interview CD as Exhibit LM/15.
MICCOMPOSITE CONTRACTOR	Signature: .
WITCHLIAMEGOWOOD	
2	
<u>.                                    </u>	



С

D

E

ST1(1)HQ





Scientific Service Consulting Scientists & Public Analysts Culture, Communities & Business Services Hyde Park Road, Southsea, Hampshire PO5 4LL Telephone (023) 9282 9501 Fax (023) 9281 8347

Trading Standards Department Southampton City Council Civic Centre Southampton Hampshire SO14 7LY

Lab ref: Client Ref:

170424 012153 09/09/2011

Date: Opinion

Unsatisfactory

Reported by Shayne Dyer

## REPORT OF ANALYSIS

Labelled as:

DROP VODKA

Location:

CK's 92 St Marys Road, Soton.

Sampled by:

L Marshall

Date taken:

02/08/2011

Date submitted: 05/08/2011

### Observations:

The declared alcoholic strength was 37.5 % volume.

The uncertainty of measurement is 0.4% alcohol by volume.

The difference between the amount of alcohol found and the amount declared taking into account the uncertainty of measurement was 14.6% by volume. This difference is outside the permitted tolerance of 0.3% alcohol by volume prescribed in The Food Labelling Regulations 1996 for vodka.

The sample had an alcohol content of 14.3% volume less than the minimum permitted.

H M Revenue and Customs requires all bottles of spirits with a strength of 30% alcohol by volume or more, of a capacity of 35cl or more, to bear a duty stamp if they are removed to home use in the UK. A genuine duty stamp fluoresces under UV light.

The bottle had a capacity of 700ml (70cl). The trade label bore a duty stamp but it did not fluoresce under UV light.

In my opinion the sample did not bear a genuine duty stamp.

Alcohol % v/v	Result 22.5	<b>Method</b> 05.109

Lab ref: 170424



## Shayne Dyer

## Technical Manager and Public Analyst

Opinions and interpretations expressed herein are professional observations and are outside the scope of UKAS Accreditation.

Unless you request otherwise the above sample will be disposed of 28 days from the date of this report.

Lab ref: 170424



## **Trading Standards Service**

Incident reference
Exhibit reference $LM/8$
Description of article
CERT. OF ANALYSIS
SAMPLE 10. 012153
Signature of person originally identifying
Name of person originally identifying (block letters)
Lucas MARSHALL
EH.126 07.10.22561



## **Trading Standards Service**

Incident reference
Exhibit reference $LM/S$
Description of article
COUT. OF ANALYSIS
SAMPLE No. 012153
Signature of person originally identifying
Name of person originally identifying (block letters)
Lucas Marsyahl





Scientific Service
Consulting Scientists & Public Analysts
Culture, Communities & Business Services
Hyde Park Road, Southsea, Hampshire PO5 4LL
Telephone (023) 9282 9501
Fax (023) 9281 8347

## **FOOD SAFETY ACT 1990**

CERTIFICATE OF ANALYSIS OR EXAMINATION CARRIED OUT UNDER FOOD SAFETY (SAMPLING AND QUALIFICATIONS) REGULATIONS 1990

To: Lucas Marshall

Southampton City Council, Civic Centre,

Southampton, Hampshire, SO14 7LY

I, the undersigned, Public Analyst for Southampton City Council, certify that on 05/08/2011 the sample marked:

Date sample taken

Reference number, description etc.

Weight/measure

02/08/2011

012152

700ml

1420

WYBOROWA VODKA

Place of Sampling:

CK's 92 St Marys Road, Soton

was received by me from you (the person named above)

I certify that the sample was analysed by me or under my direction and the results are as follows:-

Alcohol % v/v

39.9

My opinion and observations are:-

H M Revenue and Customs requires all bottles of spirits with a strength of 30% alcohol by volume or more, of a capacity of 35cl or more, to bear a duty stamp if they are removed to home use in the UK.

The bottle had a capacity of 700ml (70cl). The trade label did not bear a duty stamp.

The alcohol content found by analysis agrees with the declared alcoholic strength on the trade label.

9 September 2011

Lab ref: 170423

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certified by me this 9th day of September 2011, at Southsea

Signature:

Name: SHAYNE DYER

PUBLIC ANALYST

Official address/Telephone No: As Letterhead

Unless you request otherwise this specimen will be disposed of 28 days from the date of this report.

9 September 2011 Lab ref: 170423



EH.126 07.10.22561

## **Trading Standards Service**

Incident reference 11/01261/F00057
Exhibit reference
Description of article
CERT. OF ANALYSIS
SAMPLE No: 012152
Signature of norson originally identifying
Name of person onguenty (seeming, plock letters)
CUCAI MARINACL



012154 14 September 2011 Page 1 of 2 E

KSS No: 116231

Opinion Not Satisfactory

To: L Marshall Southampton City Council Trading Standards Services Civic Centre Southampton SO14 7LY



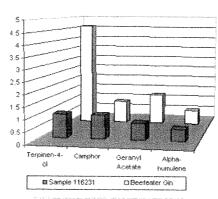


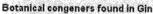
Kent Scientific Services Public Analyst

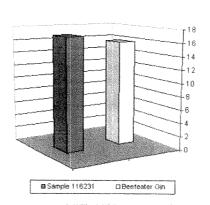
Peter Maynard MChemA CChem MRSC



### Comparison between the sample and authentic brand







Botanical congener Linalcol

### Certificate of Analysis carried out under Food Safety (Sampling and Qualifications) Regulations 1990.

Reference number 012154

03714186 Seal No

Weight or Volume 1000mls

Date sample taken 08/09/2011 Description Beefeater Gin 47% 1L Place of Sampling:

CK's 92 St Mary's Road,

Southampton.

I, the undersigned, Public Analyst for Southampton City Council, certify that on 11 August 2011 the sample marked as above was received by me from you (the person named above). I certify that the sample was analysed by me or under my direction and the results are as follows:-

Test Name	Test Result	Method Method Code Recovery %
Alcohol	47.0 %vol	KSS M6
Methanol	0.5 g/100L alc	KSS M61
Total Solids	0.020 g/100mL	KSS M6
congener Linalool	17.1 g/1000Lalc	KSS M61A
congener Terpinen-4-ol	1.0 g/1000Lalc	KSS M61A
congener Alpha-humulene	0.5 g/1000Lalc	KSS M61A
congener Camphor	1.0 g/1000Lalc	KSS M61A
congener Alpha-pinene	12.0 g/1000Lalc	KSS M61A
congener Geranyl acetate	0.7 g/1000Lalc	KSS M61A

012154 14 September 2011 Page 2 of 2 E

KSS No: 116231

### My opinion and observations are:

### UNSATISFACTORY - Labelling

The sample consisted of an intact polythene bag with intact seal 03714186 and contained a trade sealed clear glass 1L bottle of clear colourless liquid with the odour of gin.

The alcohol content was within the permitted tolerance for a declared content of 40% by volume.

Although the amount of terpinen-4-ol was lower than most other samples of genuine Beefeater Gin examined in this laboratory, in my opinion this was not in itself sufficient to indicate that the gin was counterfeit.

The amount of methanol was satisfactory.

There was no duty stamp on the bottle, but there was a statement "Imported from England". For a spirit to be sold legally in the UK, it must have a UK duty stamp.

I further certify that the sample had undergone no change which would affect my results, opinion or observations. The test result for a contaminant has been corrected for recovery using the average method recovery indicated and consists of the analytical result followed by the measurement uncertainty value that is based on a coverage factor of 2 providing a level of confidence of approximately 95%. Test methods not in the UKAS Accreditation schedule are marked \*. Subcontracted tests are marked +. Labels will be disposed of in 30 days unless KSS are instructed otherwise.

E

PETER MAYNARD 14 September 2011 pdf 12:36

Public Analyst

Kent Scientific Services, 8 Abbey Wood Rd Kings Hill. Kent. ME194YT



## **Trading Standards Service**

Exhibit reference	Lm/9
Description of article	
CERT. OF	ANALTSIJ
SAMPLE A	0.012154
Signature of person or	riginally identifying
	(letters)
Nam€	





Scientific Service Consulting Scientists & Public Analysts Culture, Communities & Business Services Hyde Park Road, Southsea, Hampshire PO5 4LL Telephone (023) 9282 9501 Fax (023) 9281 8347

Trading Standards Department Southampton City Council Civic Centre Southampton Hampshire SO14 7LY

Lab ref: Client Ref:

170425 012155

Date:

08/09/2011

Opinion

Satisfactory

Reported by Shayne Dyer

## REPORT OF ANALYSIS

Labelled as:

SMIRNOFF Red Vodka 70cl 37.5%

Location:

CK's 92 St Marys Road, Soton

Sampled by:

L Marshall

Date taken:

02/08/2011

Date submitted: 05/08/2011

### Observations:

The concentrations of sugars are consistent with the sample being genuine Smirnoff brand vodka.

The duty stamp fluoresced indicting a genuine label.

Popula	
Company of the Compan	Method
	05.101
	75.005
	75.005
	75.005
*	
03714190	90.434
	Result  37.4  26.9  29.0  36.0  3104667701  Satisfactory  03714190



### Shayne Dyer

Technical Manager and Public Analyst

Opinions and interpretations expressed herein are professional observations and are outside the scope of UKAS Accreditation.

Tests marked " in this report are not UKAS accredited and are not included in the UKAS Accreditation Schedule for our

Unless you request otherwise the above sample will be disposed of 28 days from the date of this report.

Lab ref: 170425



## **Trading Standards Service**

Incident reference	1/K0005-
Exhibit reference	[ LM/10
Description of article	,
CERT OF A	
	ing





Scientific Service
Consulting Scientists & Public Analysts
Culture, Communities & Business Services
Hyde Park Road, Southsea, Hampshire PO5 4LL
Telephone (023) 9282 9501
Fax (023) 9281 8347

## **FOOD SAFETY ACT 1990**

CERTIFICATE OF ANALYSIS OR EXAMINATION CARRIED OUT UNDER FOOD SAFETY (SAMPLING AND QUALIFICATIONS) REGULATIONS 1990

To: L Marshall

Southampton City Council, Civic Centre, Southampton, Hampshire, SO14 7LY

I, the undersigned, Public Analyst for Southampton City Council, certify that on 05/08/2011 the sample marked:

Date sample taken

Reference number, description etc.

Weight/measure

02/08/2011

012156

700ml

1420

ABSOLWENT VODKA

Place of Sampling:

CK's 92 St Marys Road.

was received by me from you (the person named above)

I certify that the sample was analysed by me or under my direction and the results are as follows:-

Alcohol % v/v

39.7

My opinion and observations are:-

H M Revenue and Customs requires all bottles of spirits with a strength of 30% alcohol by volume or more, of a capacity of 35cl or more, to bear a duty stamp if they are removed to home use in the UK.

The bottle had a capacity of 700ml (70cl). The trade label did not bear a duty stamp.

The alcohol content found by analysis agrees with the declared alcoholic strength on the trade label.

9 September 2011 Lab ref: 170426 I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certified by me this 9th day of September 2011, at Southsea

Signature:

Name: SHAYNE DYER

PUBLIC ANALYST

Official address/Telephone No: As Letterhead

Unless you request otherwise this specimen will be disposed of 28 days from the date of this report.

9 September 2011 Lab ref: 170426



## **Trading Standards Service**

	Incident reference
	Exhibit reference
- Lange	Description of article
Commence Andreas Andre	CERT. OF ANALYSIS
2.00	PAMPLE No. 012156
Si	gnature of person originally identified
Na	
4	Lucas mariga a





Scientific Service Consulting Scientists & Public Analysts Culture, Communities & Business Services Hyde Park Road, Southsea, Hampshire PO5 4LL Telephone (023) 9282 9501 Fax (023) 9281 8347

Trading Standards Department Southampton City Council

Civic Centre Southampton Hampshire SO14 7LY

Lab ref: Client Ref:

170427 012157

Date: Opinion

12/09/2011

Reported by Shayne Dyer

Satisfactory

## REPORT OF ANALYSIS

Labelled as:

**VODKA** 

Location:

CK's News and Food

Sampled by:

Lucas Marshall

Date taken:

02/08/2011

Date submitted: 05/08/2011

### Observations:

With respect to the analysis the sample is satisfactory. The bottle bore a duty stamp which fluoresced

The sugar profile is consistent with genuine Smirnoff Blueberry Vodka.

Determination	Result	
Alcohol % v/v		Method
Glucose mg/l	37.7	05.109
Sucrose mg/l	< 2.0	75.005
Fructose %	< 2.0	75.005
Date code/batch mark	1.1	75.005
Appearance	4210420	
	Satisfactory	
Tag Number	03714207	90.434



Technical Manager and Public Analyst



Lab ref: 170427

Opinions and interpretations expressed herein are professional observations and are outside the scope of UKAS Accreditation.

Tests marked " in this report are not UKAS accredited and are not included in the UKAS Accreditation Schedule for our laboratory.

Unless you request otherwise the above sample will be disposed of 28 days from the date of this report.

Lab ref: 170427



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Exhibit reference	
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Description of article	Firm a second
The second secon	
CERT. OR	

ng

Name of person originally identifying (block letters)



Scientific Service
Consulting Scientists & Public Analysts
Culture, Communities & Business Services
Hyde Park Road, Southsea, Hampshire PO5 4LL
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### **FOOD SAFETY ACT 1990**

CERTIFICATE OF ANALYSIS OR EXAMINATION CARRIED OUT UNDER FOOD SAFETY (SAMPLING AND QUALIFICATIONS) REGULATIONS 1990

To: L Marshall

Southampton City Council, Civic Centre, Southampton, Hampshire, SO14 7LY

I, the undersigned, Public Analyst for Southampton City Council, certify that on 05/08/2011 the sample marked:

Date sample taken

Reference number, description etc.

Weight/measure

02/08/2011

012158

700ml

1420

ZUBROWKA VODKA

Place of Sampling:

CK's 92 St Marys Road, Soton

was received by me from you (the person named above)

I certify that the sample was analysed by me or under my direction and the results are as follows:-

Alcohol % v/v

40.2

My opinion and observations are:-

H M Revenue and Customs requires all bottles of spirits with a strength of 30% alcohol by volume or more, of a capacity of 35cl or more, to bear a duty stamp if they are removed to home use in the UK.

The bottle had a capacity of 700ml (70cl). The trade label did not bear a duty stamp.

The alcohol content found by analysis agrees with the declared alcoholic strength on the trade label.

9 September 2011 Lab ref: 170428 I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certified by me this 9th day of September 2011, at Southsea

Signature:

Name:

PUBLIC ANALYST

Official address/Telephone No: As Letterhead

Unless you request otherwise this specimen will be disposed of 28 days from the date of this report.

9 September 2011 Lab ref: 170428



	mading Standards Service
Incident referen	ce 1/01261/FOQDST
Exhibit reference	/
Description of ar	/
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SAMPLE	No: 012158
Signa	
Name of person o	originally identifying (block letters)
Lica	J NARIYALL

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D Rei	ID Ref. Product	Total Quantity	Sample id	A 11
	The state of the s	(no hottles)		Alleged
	Wyborowa vodka	2	Office Double Taken from total)	Offences*
The state of the s	Bols vodka	4	012152	DSR CPR LA
	Drop vodka			DSR CPRLA
	Zubrowka vodka		012153	DSR CPR FSA LA
in the second of	Beefeater ain		787570	DSR CPRLA
	Smirnoff vodka red	-	012154	DSR CPRLA
LM/2	Absolwent vodka		012155	
Land of the Land county of the property of the land of			012156	DSR CPRIA
The second secon	o " " " " " "		012157	A Bossey of a second se
Paladeleteratura de la companya para de la companya	Soplica vodka (dark)	3		
LM/3	Soplica vodka (clear)	7		DSR CPR LA
OPP TO SERVICE STATE OF THE SE	Sobieski vodka	2		DSR CPRLA
Note the second of the second	Wyborowa			DSR CPR LA
LM/4	Wodka Zoladkowa			DSR CPRIA
	Wodka Zoladkowa Golzka Orange	4		DSR CPRIA
I NA/E	Transa Zolaukowa Golzka Green	4		V 1 000 000
C/M/2	Zubrowka Vodka	2	01015	JOH CFR LA
	Luksusowa vodka	0		DSR CPR LA
	Czysta vodka	<b>//-</b>		DSR CPR LA
Wilderson was a supplied to the supplied of the supplied to th	Luksusowa	4		DSR CPRLA
An experience of the control of the				DSR CPR LA
			AND THE PROPERTY OF THE PROPER	C. Assessed

\*DSR: Duty Stamps Regulations 2006 CPR: Consumer Protection from Unfair Trading Regulations 2008, Regulation 8 FSA: Food Safety Act 1990, Sections 14 and 15 LA: Licensing Act 2003, Section 144



## **Trading Standards Service**

Incident reference	101261/FOODST
Exhibit reference	6m/14
Description of artic	
TOBLE RE	CATING TO
SAMPLES	SEIZED AND
Sig	3
Name of person ori	ginally identifying (block letters)
Lucas	Maringal



## CONFIDENTIAL

## WITNESS STATEMENT

MG11 Page 1 of 4

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rule

ADO	ŕ	α, τοιοί (σ) (α,	rana ob, Ommai F	ocedure R	uies 2005,	Rule 27.1	
Statement of:	Jonathan H	arris		URN:	Wandstoppe	\$ income and	- odenicane
Age if under 18:	Over 18	(if over 18 insert 'over 18')	Occupation:	Police C	Officer		
		page(s) each signed by ered in evidence, I shal e, or do not believe to b		est of my kr ition if I hav	nowledge a /e wilfully si	nd belief tated in it	and I
Signature:		,		Date: 2	1/09/2011		
Name: Jo	onathan Harris			~~~			*********
Tick if witness evic	dence is visuall	y recorded	(supply witness o	letails on re	ear)		The state of the s
I am PC 24288	HARRIS, er	mployed by Hampsl	nire Constabulary	/ and curr	ently stat	ioned a	t
		station in the role \					
		n relation to my atte					
Southampton of					,	,	Juu,
The Police Lice	nsing Unit w	as contacted prior t	o the visit by Tra	ding Stan	ıdards Ofl	ficer Luc	cas
		police to assist him					
		previous meeting.					
		and believed more			·		
At 14:15 hours,	on 2 <sup>nd</sup> Augu:	st 2011, I attended	CK's with MARS	HALL and	d Fair Tra	ding Off	ficer
		one member of sta					
		and HILL. This ma					IOR.
		brother Harvinder S					
supervisor (DPS					Septe	•	***************************************
Signature:		Signatui	e witnessed by:	********	***********		



### CONFIDENTIAL

Page 2 of 4

## WITNESS STATEMENT

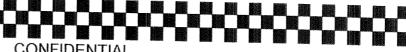
CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

As the search was taking place, a number of bottles were found on the shelves by MARSHALL and HILL which had no UK DUTY paid markings on them. During this time, I was aware that RATHOR had been on his mobile and was advising whoever he was speaking to of our presence. Approximately, within the next 5 minutes, 2 other males arrived. One of these was the licensee who I can identify as Raghbir Singh RATHOR, 24/10/58. The other male did not say who he was and I had not seen him before.

Raghbir RATHOR initially spoke with MARSHALL who explained why he was there. RATHOR ecame angry and said this was the third visit by Trading Standards to his families premises. He started to suggest that MARSHALL was picking on them and that someone had "grassed us up". He said that he would start to do the same if other people did it. His son Hardev then asked me for my contact details as he said he had information to pass on concerning the sell of illegal alcohol.

Whilst I was speaking with Hardev, I was aware that Raghbir was increasingly becoming louder and more argumentative, despite MARSHALL's best attempts to explain his attendance today. Raghbir then asked why a police officer was present. I explained it was for this exact behaviour that MARSHALL had requested police attendance. He responded by saying something similar to "WHAT DO YOU EXPECT. THIS IS THE THIRD TIME THEY HAVE BEEN TO US". I said something similar to "WELL, IF YOU HAVE BEEN SELLING ILLEGAL ALCOHOL, THEN YOU WILL BE VISITED". I then said that MARSHALL had a job to do and asked that they let him get on with it. I did hear Raghbir ask for MARSHALL's name and when he answered MARSHALL, Raghbir winked to the male that was with him and said "THAT'S FITTING ISNT IT". Raghbir and the other male then went outside.

Signature:



CONFIDENTIAL

Page 3 of 4

## WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

A customer came in during the search and as I was stood near the counter, Hardev made some mumbled comment to me about being in the way. He said something similar to "I HAVE CUSTOMERS TO SERVE". I stepped back away and was next to a fridge. I paid attention to the liquor inside, which were mainly bottles of what I believe to have been Polish vodka. I then started to take out the bottles to check if they were marked with UK DUTY PAID. None of the Polish vodka was marked and I subsequently passed all the bottles to MARSHALL who bagged and exhibited them all. It was at this point Hardev made the comment to me of "YOUR IN THE WRONG JOB ARENT YOU. YOU SHOULD WORK FOR THEM. WELL YOU LOT WILL BE OUT OF JOBS SOON ANYWAY WONT YOU". I quickly responded by saying that his behaviour and his fathers was not going to help them. I advised I was the licensing officer for the area and if this matter ended up at a review, I would have no hesitation in highlighting the aggressive and intimidating behaviour of both males. Neither Raghbir nor Hardev showed any support in promoting the licensing objectives and I have severe concerns over their suitability to work in the alcohol trade.

Signature: ..... Signature witnessed by:





## **HAMPSHIRE CONSTABULARY**

# RESTRICTED – For Police and Prosecution Only WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN //

Statement of: Natasha Astrid PRIOR

Age if under 18: Over 18	(if over 18 insert 'over 18') Occupation: Police Constable 20920
This statement (consisting of 2 knowing that, if it is tendered in to be false, or do not believe to	2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it nevidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know be true.
Signature:	Date: 31/08/2011
Tick if witness evidence is visua	ally recorded (supply witness details on rear)
I am PC 20920 PRIOR curr	ently serving for Hampshire Constabulary at Southampton Central Police
	e Reduction and Licensing Unit.
On the 20 <sup>th</sup> August 2011 fro	om 1800 hours I conducted a test purchase operation with a 17 year old female
test purchaser whose date of	f birth is 15 <sup>th</sup> May 1994. The operation was targeting premises which we have
received information about	selling to underage persons or who have a history of failed test purchases.
Section 149 and 152 of the I	Licensing Act 2003 allows for the test purchaser to buy alcohol without
committing an offence and f	or us to direct them to buy alcohol without an offence being committed.
The operation involved two	plain clothes officers PC 25375 Miller and PC 23782 Atkinson, their role in the
operation was to monitor the	test purchaser at all times and give evidence in relation to any offences
committed. The other officer	involved was SO 9398 Charnley who was in full uniform with me to enter the
store if offences are committ	ed to deal with the suspects and if on site speak to the designated premise
supervisor.	the buspects and it on site speak to the designated premise
At around 1945 hours I direc	ted PC Atkinson into CK's on Commercial Road and then once she was in the
premises I directed the 17 year	ar old test purchaser in to attempt to buy alcohol. PC Miller then followed the
Signed: Natasha	Signature witnessed by:



## **HAMPSHIRE CONSTABULARY**

# RESTRICTED – For Police and Prosecution Only WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN //

Statement of: Natasha Astrid PRIOR

test purchaser up the road and waited nearby to ensure the safety of the test purchaser. Shortly after entering the premises the test purchaser exited and handed the alcohol purchased to PC Miller. I approached them as they headed back towards the car and PC Miller showed me the contents of the bag, since exhibited as JDM/CKS/01, which was a bottle of cookies and cream sidekick which is an alcoholic beverage. SO Charnley and I approached the premises and met PC Atkinson by the door and I asked her who had sold the alcohol and she described a male who later gave his details to me as Harvinder Singh (19/09/86). I entered the premise and explained to Mr Singh that he had failed a test purchase by selling alcohol to a 17 year old. I started to caution him and before I had finished the caution he started to tell me that he had sold the alcohol to the customer without paying attention to her because the other person in the shop, who he now understood to be a plain clothes officer, looked like she was about to steal alcohol. It was a number of minutes of him explaining how it was not right to send someone in distracting him and that we should just use covert cameras to prove the offence. Once he had finished I finished the caution and asked him for ID which he did not have but gave me his name, date of birth and address and he informed me that he was the owner of the shop. I asked if he had received a penalty notice before and he stated that he had about 3 years ago but had not done anything since. He then continued that he had witnesses and he wanted to go to court. There was his brother in law and another male in the shop when we entered. When he had finished talking I reported him for the offence of selling alcohol to a person under the age of 18 years old and cautioned him again. I asked if there was anything else he wanted to add to which he repeated some of what he had said already and added "yeah I appreciate that the fact of the matter is I made a mistake and I sold it"

Signed:	Natasha	Signature witnessed by:



Page 1 of 2



## RESTRICTED (when complete)

## WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

					· occuu	re Nuies 2	005, Ru	le 27.1		
Statement of:	PC ELEAN	IOR ATKINS	MOS				URN:	1	90	ı
Age if under 18:	Over 18	(if over 18 'over 18')		Occupation:	Poli	ce service		ı	Name of the second	
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Signature:			77000000000000000000000000000000000000		Date:	20/08/20	D11			
Tick if witness evic	dence is visuall <u>i</u>	y recorded		(supply witness de	etails oi					
attempted to make a Purchaser.  Shortly after I had end Sidekick from a shell took this to the count which the Test Purchand the Test Purchaser and the store shortly Purchaser as an Asia front. The shop is a side Test Purchaser. I was	ntered the store f. From looking ter. The male s naser replied 'N ser left the store after the Test I male, large b	pton. My role was then ther e, the Test P at the bottle erving behin O THANKS. e with the ale Purchaser. I	e was to brove to observe to observe case, this is an old the count of the male cohol. At no would descript black hair	ter asked 'ANYTHING behind the counter to point was she asked cribe the male behind	a bottle hining vo	e Test Pulstore staff and control of Cookie odka. The EFOR YO ok the Test	rent into rehaser of and the research is and Co Test Pur U TODA Purchase about he	CK's st came in rest ream rchaser Y LOVE ser's mo	then E?' to	
Signed :	R ATKINSON		Signature	e witnessed by :						
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44110355241/1471899 Page 44 of 74



MG11T

Page 1 of 2



## RESTRICTED (when complete)

## WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement o	of: PC	JERMAINE						URN:	ı	-	Reposition
Age if under	· 18: Ove		over 18 insert er 18')		Occupation:	Polic	ce servic	e			
This stateme make it knov anything whi	ving that, if i	t is tendered	e(s) each sign in evidence, I do not believe	ed by me shall be li to be true	e) is true to the iable to prosec e.	best of r aution if I	ny knowl have wil	edge and fully state	belief d in it,	and I	
Signature:	PC JERI	MAINE MILL	ER	~~~~~~~		Date:	20/08/	2011			
Tick if witnes				☐ (s	upply witness	details o	n rear)				-
I am PC 2537 is my stateme various off lice	75 MILLER of ent in relation enses.	of HAMPSHII	RE CONSTAB PURCHASING	ULARY c	urrently statior TION that was	ned at BI	TTERNE	E POLICE e 20 <sup>th</sup> AUG	STATI GUST	ON. T	his at
In this stateme	ent I will refe	er to the test	purchaser as 1	TEST PU	RCHASER.						
At 1945hrs I w MARYS ROAI AND CREAM	vas in plain o D. I witnesse	clothes opera	ation as part of RCHASE leave	this oper	ation and was	a FO-IL	outside C	CK'S STO	RE in S	ST KIES	
I took control o							on and o	ffence of	selling	alcoh	ol
san produce	this alcohol	as an exhibi	under ID REF	ERENCE	NUMBER JD	M/CKS/(	01.				
This exhibit wil											
Signed : PC J	JERMAINE I	MILLER	Si	ignature v	vitnessed by :	**************************************	**********	************	~~~~;		
0000000000											

2006/07(1)
Page 45 of 74
44110355241/1793688





# RESTRICTED (when complete) WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

							URN:	ı	ı	ı
Stateme	ent of:	SO ANDRE	EW CHARNLEY				OINN.	1	1	
Age if u	nder 18:	Over 18	(if over 18 insert 'over 18')	Occupatio	n: Poli	ce service				
			page(s) each signe ered in evidence, I e, or do not believe	ed by me) is true to the shall be liable to proes to be true.	e best of m secution if I	y knowled have wilfu	ge and b Illy stated	elief ard in it,	nd I	
Signatu	7	) ANDREW C	HARNLEY		Date:	20/08/2	011	******	7899222	-
nck if wi	itness evid	ence is visual	ly recorded	☐ (supply witne	ss details d	n rear)				-
purchase purchase purchase At about and I spo reported that he so He was s t speal video as xed pen HARVINE	e had just the aged 17.  19:48hrs I loke to the right him for the cold the alcompeaking in a capeaking in a cap	ceen made at They had just entered the smale in the shade offence of Schol to the test quite a loud which I burnt £80 fine in the RGE) SINGH	on a licensing test CK's FOOD & WII st exited the store in the shop and due to the op who had sold the ALE OF ALCOHOL at purchaser who worked and activated the Bo onto a DVD) which e past and he said DOB: 19/09/1986 in then at 19:52 hrs	based at Southampton purchase operation. NE, ST. MARYS ROAD and company with two desinformation we had be alcohol. PC PRIOF ANYWHERE TO A leas under age as he was under age as he was under by Worn Video came of will show his behavious that he had. The main PNC: 07/39040Q was a reported him for the	I was in co AD, SOUTH other police received from R explained PERSON University vas distract titing prosecute ra before en our. PC PR le who I now	ompany wind AMPTON, officers whom the other to him who will be a some cuted, he was a skeet of know to the summer of the content of the conte	th 20920 SO14 0 ho were it er officer at had ha The ma teone els vas agita e shop (I d if he ha be	PRIOR AH by in plain s, PC I appene ale was e in the ted and exhibit id rece	R. A test a test of clother PRIOR and saying e store, d was this lived a	PS.
Signed :	SO AND	REW CHARN	LEY	Signature witnessed	by :					- *

2006/07(1)





## HAMPSHIRE CONSTABULARY

Page 1 of 6

## NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Before completing this form please read the guidance notes on page 3. Once completed please send your representation form to your local Licensing Authority. You must keep a copy of the completed form for police records.

Hampshire Constabulary wish to make a representation(s) regarding the grant or variation of a Premises Licence or Club Premises Certificate issued under the Licensing Act 2003.

These representations must be made within 28 days

W. wager terminal parties in general parties and production of the same parties of the	Road, Shirley			
Post town:	Southampton	Postcode:	SO15 3HL	
Name of pre	mises licence holder or cl	ub holding club premis	ses certificate (	if known)
Police Detail				
Name and ad	Constabulary is a respons	ible authority.		
PC 3942 Lind Violent Crime Southampton Southern Road Southampton SO15 1AN	and Licensing Unit Central Police Station			
This applicati	on to object relates to the	following licensing obj	jective(s)	
	vention of crime and diso	rder		Please select one or more

# MPSH & STABULE

## HAMPSHIRE CONSTABULARY

)

Page 2 of 6

## NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

State the ground(s) for representation (please read guidance notes 1 & 2)

On behalf of the Chief Officer of Police, I am writing to make a representation to the above application for a Premises Licence, on the following grounds:

- 1) Public safety.
- 2) The protection of children from harm.

The Police make this representation based on the previous incidents at the premise which was the subject of a licence review on 27th January 2011. This led to the revocation of the Premises Licence. Both of these applicants were previously involved with the premises at the time the licence was revoked. That review was brought by Trading Standards because the premise was not supporting the above mentioned licensing objectives. The Premises Licence review was brought following failed test purchase operations and seizure of counterfeit and non-UK duty paid alcohol. This can be evidenced by Trading Standards.

Harvinder Singh RATHOR is the proposed Designated Premises Supervisor (DPS). He was the previous DPS for this premise while under review. As a DPS Harvinder Singh RATHOR was fully involved with the running of the premises and therefore is inherently responsible for the offences committed.

Harvinder Singh RATHOR has previously been issued with a fixed penalty notice on 15 November 2007 by PC 2193 Sullivan for supplying alcohol to a person under the age of 18 years old. This is clear evidence for not supporting the licensing objectives with reference to protecting children from harm. This occurred at another store owned by the same family which is CK's, St Mary's Road, Southampton. He is currently the DPS at CK's.

PC 24288 Harris attended CK's at the request Trading Standards officers on 2nd August 2011. This was because the owners/employees had been difficult and aggressive on previous visits. Harvinder Singh RATHOR was not present but Hardeb Singh RATHOR was present and serving customers. On this occasion the Premise Licence Holder (Raghbir RATHOR) arrived and, together with Hardeb Singh RATHOR, were obstructive and displayed aggression to officials, even with the presence of police. Bottles of Polish vodka were seized which were suspected to be non-UK duty paid (Trading Standards can provide evidence of this visit). This shows the same problems are ongoing within the family run businesses that have still not been addressed to support the licensing objectives.

There is a clear family link between the premise for this application and CK's as the same persons are



## HAMPSHIRE CONSTABULARY

Page 3 of 6

## NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

involved at both premises. Both venues are subject to the same problems. These recent and ongoing incidents indicate the applicants are not in support of the licensing objectives in terms of protecting children from harm and, more recently, public safety (relating to the possession of non-UK duty paid alcohol). The applicants have either previously been involved with this same premise or are related to those involved, many of whom demonstrate obstructive and aggressive behaviour towards authority. They are not demonstrating any willingness to change their attitude or behaviour towards supporting the licensing objectives. Hampshire Constabulary feel that if this application for a new Premises Licence were granted then the premise would continue to be run in the same manner as it was previously and there is likely to be continuing offences which go against the licensing objectives.

The Police are of the opinion that this application, if granted, is highly likely to lead to the premise operating to the same poor standards that were evident prior to the Premises Licence being revoked. Ultimately this is because the same people are involved. The Police would suggest that Harvinder Singh RATHOR and Hardeb Singh RATHOR are not suitable or responsible enough as Premises Licence Holders as they have demonstrated by there actions and behaviour that they are not in support of the licensing objectives.

With regards to the proposal of Harvinder Singh RATHOR becoming the DPS of 300 Shirley Road, police would object to this on the grounds that he is already the DPS at another venue. The rational behind this is that the DPS is ultimately responsible for the venue, there and cannot be in two places at any one time to deal with issues at separate venues.

## State any conditions that the Police seek to negate the need for a hearing

The proposed conditions would be:

#### M CCTV

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.

The CCTV system must be operating at all times whilst the premises are open for licensable activity.

All equipment shall have a constant and accurate time and date generation.

There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies on request of the Police or local authority. Any images recovered must be in a viewable format on either disc or VHS.

The recording system will be able to capture a minimum of 4 frames per second.

# NPSHISH STABUT

## **HAMPSHIRE CONSTABULARY**

Page 4 of 6

### NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

CCTV warning signs to be fitted in public places.

Recordings to be kept for a minimum of 28 days.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 02380 674768 immediately.

#### INCIDENT BOOK

An incident book will be provided and maintained at the premises and there will be a daily debrief of door staff (where used) at the close of business which will be evidenced in writing by the Manager on duty. Should there be no incidents then this will also be recorded at the end of the shift in the incident book.

The incident book will remain on the premises at all times and will be available to police upon request.

The book shall detail in brief, incident of injury/ejection/refusals/drug misuse/ i.d seizure/age challenge. Where there is an injury, ejection of physical altercation the entry shall be timed, dated and signed by the author. If the member of staff involved has difficulties reading or writing then the entry may be written by another party. This should however be read back to the person involved and counter signed. Should there be any physical interaction by members of staff and public the entry will include what physical action occurred between each party.

#### **REFUSALS BOOK**

A refusals book to be kept detailing numbers, dates and times of incident and description of people refused service of alcohol with reasons why(Including incidents relating to disorder) to the reasonable satisfaction of Hampshire constabulary. The incident book will remain on the premises at all times and will be available to police upon request.

#### **CHALLENGE 25**

There will be a Challenge 25 policy operated at the premises. Challenge 25 meaning that the holder of the premises licence shall ensure that every individual who appears to be under 25 years of age



## HAMPSHIRE CONSTABULARY

Page 6 of 6

## NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Recomm	endation of Police Sergeant
nor quantition ya makapunini o maka unitu unitu unitu unitu kapunja ya alikuwa jelenya jelenya ya nyakuwa kabu	
Signatur	e of Police Sergeant
Signature	;
Date:	
Decision	of Police Licensing Inspector
Signature	of Police Licensing Inspector
Signature:	
Date:	

#### NOTES FOR GUIDANCE

- 1. The ground(s) for representation 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 representation if available.
- 3. The representation form must be signed.



#### HAMPSHIRE CONSTABULARY

Page 5 of 6

#### NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

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.

#### TRAINING

Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; signs and symptoms of drunk persons, refusal of sale due to intoxication and 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 are signed and dated by the member of staff are kept of this refresher training. Records will be available for inspection by Hampshire Constabulary and the licensing Authority.

## AUTHORISATION OF SUPPLY OF ALCOHOL IN ABSENCE OF DPS

A record will be kept at the premise of any persons that the DPS has authorised to supply alcohol. Further to this when the DPS is absent from the premise a list will be made available stating who will be managing the venue.

# IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS REPRESENTATION

Part 3 - Signatures (please read guidance note 3)

#### Recommendation of Police Officer

I recommend that the application for a new Premises Licence is rejected on the grounds that the premises is not likely to be operated in a manner which would support the licensing objectives of preventing children from harm and promoting public safety.

Signature of Police Officer Completin	ıg
---------------------------------------	----

Signature:	
	 ***************************************
Date:	 



#### LEGAL & DEMOCRATIC SERVICES RICHARD IVORY Solicitor, **Head of Legal and Democratic Services**

Southampton City Council Southbrook Rise. 4-8 Millbrook Road East Southampton SO15 1YG

Direct dial: 023 8083 3002 Our ref: 2011/01764/01SPRN

Please address all correspondence to: Licensing - Southampton City Council, PO Box 1344, Southampton SO15 1WQ



E-mail:

licensing@southampton.gov.uk

Please ask for: Licensing

Licensing Unit. Hampshire Constabulary Southampton Central Police Station Southern Road Southampton Hampshire **SO15 1AN** 

Rec 28-09-11 Pao Jame Linden

26th September 2011

Dear Sir,

Application for a Premises Licence RR Food And Wine, 300 Shirley Road Southampton Hampshire SO15 3HL

I refer to the hearing of the above application before the City Council's Licensing (Act 2003) Sub-Committee on 22<sup>nd</sup> September 2011 and write to inform you of the Sub-Committee's decision. Accordingly, I enclose a copy of the decision as read at hearing. Minutes of the hearing will be published on the Council's website in due course.

The Licensing Act 2003 provides that both the applicant and any party who made a relevant representation have a right of appeal against the decision of the licensing authority. An appeal must be commenced by giving notice of appeal to the Magistrates' Court within the period of 21 days beginning with the day on which you were notified by this authority of the decision to be appealed against. Any party considering such a course of action should seek professional legal advice, since an appellant may be liable for the costs of the other parties should the appeal fail.

Yours faithfully

for Head of Legal & Democratic Services

If you require this letter or future correspondence from us in a different format (eg. tape, Braille or disc) please do not hesitate to let us know. Switchboard: 023 8022 3855,

DX: 115710 SOUTHAMPTON 17

www.southampton.gov.uk/licensing



# LICENSING (LICENSING AND GAMBLING) SUB - COMMITTEE DECISION OF THE MEETING HELD ON 22<sup>ND</sup> SEPTEMBER 2011 RR FOOD AND WINE, 300 SHIRLEY ROAD, SO15 3HL

The Sub-Committee has considered very carefully the application for a premises licence at RR Food and Wine. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human rights legislation has been borne in mind whilst making the decision.

The Sub-Committee heard both written and oral representations from Trading Standards, the Police and the applicant. The Sub-Committee noted that a number of offences were alleged at premises that the applicants were involved with, some of which were accepted and none of which were denied. It was noted that the latest two incidents occurred relatively recently and after this application was submitted.

Having considered all of the above, the Sub-Committee has decided to refuse the application for a premises licence.

#### **REASONS**

The Sub-Committee was not satisfied that the applicants would be capable of running the premises in accordance with the Licensing Objectives, in particular the protection of children from harm and public safety. This was based on the nature of the alleged offences which have already occurred.

The Sub-Committee considered whether its concerns could be addressed by the imposition of conditions, but on this occasion felt that they could not.

There is a right of appeal to the Magistrates' Court. All parties will receive written confirmation of the decision and reasons.

(27)

## 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.

Southampton City Council Trading Sta		
apply for the review of a premises lice review of a club premises certificate u for the premises described in Part 1 be	nce under section 51 / apply inder section 87 of the Licenselow (delete as applicable)	for the ing Act 2003
Part 1 – Premises or club premises det	ails	
Postal address of premises or, if none, description R & J Beers, Wines & Spirits, 300 Shirley		
Post town Southampton	Doct and Wes	
- sandifficit	Post code (if known) SO15	3HL
Name of premises licence holder or cluknown) Gurmail Singh Rathor  Number of premises licence or club pre 2009/00696/01SPRN		ificate (if
Part 2 - Applicant details I am	Please	e tick yes
an interested party (please complete (A)	or (B) pelow)	THE TOTAL YES
a) a person living in the vicinity of the pr		
b) a body representing persons living in		
c) a person involved in business in the v	vicinity of the premises	

d) a body repre premises	esenting persons invo	olved in	business i	n the vicinity of the	
2) a responsible a	uthority (please comp	olete (C)	below)		$\boxtimes$
3) a member of th below)	e club to which this a	pplicatio	on relates	(please complete (A)	
(A) DETAILS OF	INDIVIDUAL APPLIC	CANT (fi	ll in as app	olicable)	
Please tick Mr Mrs	☐ Miss ☐	Ms		Other title (for example, Rev)	
Surname		F	irst name	98	
l am 18 years old	d or over	t		Please tick	yes
Current postal address if different from premises address					
Post town			Post (	Code	
Daytime contac	t telephone number	r	and the state of t		
E-mail address (optional)					
(B) DETAILS C	F OTHER APPLICA	NT			
Name and addre	ess		Andrew Section Control of Sectio		
Telephone num	aher (if anv)				
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)	(	
This application to review related 1) the prevention of crime and		wing licensing objective(s)  Please tick one or more boxes

F	lease tick	one or m	ore boxes
		$\boxtimes$	
		$\boxtimes$	
		П	

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

The Prevention of Crime and Disorder

3) the prevention of public nuisance 4) the protection of children from harm

**Public Safety** 

2) public safety

Protection of children from harm

On 21st July 2010 during an ispection at R & J Beers, Wines and Spirits, 300 Shirley Road, Southampton, I found 7 bottles of counterfeit vodka in possession for sale.

Counterfeit vodka has increasingly been found by Trading Standards Officers around the country. It is often produced from industrial alcohol which is imported into the UK. It is diluted and packed in bottles which are copies of a variety of brands. Clearly controls over the quality of the product are not as strict as would be found at a distillery producing the genuine product, and issues have been reported regarding excessive levels of methanol being present, which is poisonous.

Paragraph 11.26 of the October 2010 Amended Guidance Issued Under Section 182 of the Licensing Act 2003 states that "there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously." Which includes "the use of the licensed premises for the sale of smuggled tobacco and alcohol". It is highly unlikely that duty would have been paid on the counterfeit vodka.

It is considered that the holder of the premises licence has not fufilled the duty under the Licensing Act 2003 to prevent crime and disorder and to protect public safety. 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 objective.

R J Review App Form

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

On 21<sup>st</sup> July 2010 I conducted a joint inspection at R& J, 300 Shirley Road, Southampton with Police Licensing Officers Sue Tait and Mike Sullivan.

During the inspection I examined 70cl bottles of Glen's brand vodka. 7 bottles appeared to be counterfeit so I took one bottle as a food sample, reference 012074, and took the remaining 6 bottles as sample reference 012073. The public analyst subsequently confirmed that sample 012074 was not genuine Glen's Vodka (Certificate of Analysis exhibit LM/1). I also have a statement from Tom Taylor, Quality Manager of Glen Catrine Bonded Warehouse, who confirms that, from the markings on the seven bottles sampled, all were counterfeit.

Gurmail Singh Rathor, the Premises Licence Holder, and owner of the business, agreed to be interviewed on 20<sup>th</sup> October 2010, but failed to attend our office for the interview. On 22<sup>nd</sup> October 2010 2010 I conducted a recorded interview with Mr Rathor. I produce a CD recording of the interview as exhibit LM/2).

During interview Mr Rathor stated that he buys spirits for sale at his premises from supermarkets, such as Tescos, Asda, Sainsburys and Morrisons, whilst he is buying his home shopping. He said that he does not keep receipts for these purchases. He was unable to show purchase receipts relating to the counterfeit vodka. It is highly unlikely that major supermarkets would sell counterfeit vodka.

Incidents of poisoning following consumption of counterfeit vodka have been reported occurring across the UK. It is not acceptable that a premises licenced by this Authority should become a market place for such goods. I would therefore request that the following conditions are imposed on the premises licence to promote the licensing objectives:

- "The Premises Licence Holder must keep complete records, such as invoices, receipts and delivery notes, relating to alcohol obtained by him for sale from his shop. Records must include the name, address and telephone number of the supplier, the date of supply, the products supplied, and their prices. Where items have been delivered to his shop by a vehicle details of the vehicle registration, the name of the delivery person and contact details including the name, address and telephone number for the business must be kept. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol present at his premises "

Gurmail Singh Rathor has previously received a Simple Caution regarding the sale of alcohol to a 16 year old boy, which occurred at R&J on 18<sup>th</sup> June 2009, so I would also request that the following conditions are imposed on the premises licence so as to assist the licence holder and 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"

R J Review App Form

- "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, and this person will sign and date the record as evidence that they have checked it. The refusals book will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other Responsible Authorities on request."
- "A CCTV system shall be installed and maintained in the licensed premises to the satisfaction of the Licensing Authority, Hampshire Constabulary and Trading Standards. 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. The Premises Licence Holder and staff must be capable of operating the CCTV system".
- I would also ask that the licence is suspended for a period of 3 months, both as a deterrent and to give the Premises Licence Holder a period of time in which to put the above conditions into effect.

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 $_{\rm N/A}$							
	de operation de la company						
	Value of Contract of the Party of the Contract						

<ul> <li>I have sent copies of this form an authorities and the premises licer premises certificate, as appropria</li> <li>I understand that if I do not complemy application will be rejected</li> </ul>	ice holder or club holding the club
IT IS AN OFFENCE, LIABLE ON CONV THE STANDARD SCALE, UNDER SECTO MAKE A FALSE STATEMENT IN OF APPLICATION	TION 158 OF THE LICENSING ACT ASS
Part 3 - Signatures (please read guida	nce note 3)
Signature of applicant or applicant's se (See guidance note 4). If signing on beh capacity.	olicitor or other duly authorised agent alf of the applicant please state in what
Signature	
Date	
Capacity Trading Standards Officer	
Contact name (where not previously given correspondence associated with this a Lucas Marshall Trading Standards Service Southampton City Council Civic Centre Rd	ven) and postal address for pplication (please read guidance note 5)
Post town	Post Code

#### **Notes for Guidance**

Telephone number (if any)

mail address (optional)

Southampton

1. The ground(s) for review must be based on one of the licensing objectives.

If you would prefer us to correspond with you using an e-mail address your e-

2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

SO14 7LY

- 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: Lucas Marshall	WW/W.
	AGE IF UNDER 18: OVER 18	
	This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belie 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 13 day of December 2010 Signature:	/
	being unable to read the statement,	1
11 Jun 1	of	**************************************
	Dated the day of	A PROPERTY OF THE PROPERTY OF
A	My name is Lucas Marshall. I am employed as a Trading Standards Officer by Southampton City Council. On 21 July 2010 I conducted as a	
	City Council. On 21 July 2010 I conducted an inspection at R & J, 300 Shirley Road, Southampton. During the inspection I examined 70cl bottles of Glen's brand vodka. It was	Name and Address of the Owner, where
В	priced at £9.89 per bottle. From the markings on the bottles 7 bottles of Glen's vodka appeared	AND CONTRACTOR SECURITIONS OF THE PERSONS OF THE PE
	to be counterfeit. I took one as a food sample, reference 012074 which I subsequently	
С	submitted to the public analyst, and took the remaining 6 bottles, which were identically labelled	
	as sample 012073. I produce as Exhibit LM/1 a Certificate of Analysis confirming that the spirit	
	sample 012074 was not genuine Glen's Vodka. On 1 November 2010 I interviewed Gurmail	
D	Singh Rathor, the Premises Licence Holder and owner of the 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 Rd, Southampton	
	I produce a copy of the CD as Exhibit LM/2.	
E	Signature:	
PHONE REPORTS CONTRIBUTED TO		
ST1(1)HQ		



A			AIT	OE.
SIA	.   =	IVIC	IVI	OF:

**LUCAS MARSHALL** 

HOME ADDRESS:

**BUSINESS ADDRESS:** 

Trading Standards Service, Southampton City Council, 7 Civic

Centre Road, Southampton SO14 7FJ

DATE OF BIRTH:

5 May 1970

OCCUPATION:

**Trading Standards Officer** 

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO:

023 8083 4930

(Delete dates to be avoided) WITNESS AVAILABILITY Month of Month of Month of \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* Month of Month of Month of 

CONTACT	POINT	IF	DIFFERENT	FROM	ABOVE
---------	-------	----	-----------	------	-------

ADDRI	ESS:
-------	------

TELEPHONE NO:

STATEMENT TAKEN BY:

INCIDENT NO.

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Record below anything that may affect the credibility of the person making this statement, eg previous convictions, relationship to defendant. If there is nothing state 'none' below.

	Cianad
Dated theday of 2010	Signed





#### Scientific Service

Consulting Scientists & Public Analysts
Property, Business and Regulatory
Hyde Park Road, Southsea, Hampshire PO5 4LL
Telephone (023) 9282 9501
Fax (023) 9281 8347

RECEIVED (1 UCT 2010

#### **FOOD SAFETY ACT 1990**

CERTIFICATE OF ANALYSIS OR EXAMINATION CARRIED OUT UNDER FOOD SAFETY (SAMPLING AND QUALIFICATIONS) REGULATIONS 1990

To: L Marshall

Southampton City Council, Civic Centre,

Southampton, Hampshire, SO14 7LY

I, the undersigned, Public Analyst for Southampton City Council, certify that on 26/07/2010 the sample marked:

Date sample taken

Reference number, description etc.

Weight/measure

21/07/2010

012074

705ml

1410

1 X GLENS VODKA 70CL

Place of Sampling:

R&J, 300 SHIRLEY ROAD, SOTON

was received by me from you (the person named above)

I certify that the sample was analysed by me or under my direction and the results are as follows:-

Alcohol % v/v

35.8

My opinion and observations are:-

The declared alcoholic strength was 37.5 % volume.

The uncertainty of measurement is 0.4% alcohol by volume.

The difference between the amount of alcohol found and the amount declared taking into account the uncertainty of measurement was 1.3% by volume. This difference is outside the permitted tolerance of 0.3% alcohol by volume prescribed in The Food Labelling Regulations 1996 for vodka.

The sample had an alcohol content of 1.0% volume less than the minimum permitted.

24 September 2010 Lab ref: 161381 Genuine Glen's vodka is only bottled in bottles supplied by Allied Glass Containers (AGC). These bottles have a small AGC logo on the base of the bottle with '58mm C12173' embossed in the glass, about 5mm from the base.

No such logo or embossing was present on the bottle.

The UK duty stamp on genuine Glen's brand vodka fluoresces at a wavelength of 365nm.

The UK duty stamp on the bottle did not fluoresce.

In my opinion the sample is not genuine Glen's brand vodka

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certified by me this 24th day of September 2010, at Southsea

Signature:	_	
Name:	SHAYNE DYEK PUBLIC ANALYST	

Official address/Telephone No: As Letterhead

Unless you request otherwise this specimen will be disposed of 28 days from the date of this report.

24 September 2010 Lab ref: 161381



## STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Court Act 1980, s.5B)

Statement of:

Thomas Keith Taylor

Age if Witness:

Over 18

Occupation:

**Quality Manager** 

This statement consisting of two pages 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 16<sup>th</sup> Day of November 2010
Signature:

I am Thomas Keith Taylor and I have been employed by Glen Catrine Bonded Warehouse Ltd, 7 Laigh Road, Catrine, Ayrshire, KA5 6SQ as Quality Manager for Eighteen years. In this capacity, I am familiar with the design, appearance, composition and quality of all genuine Glen Catrine products and I am authorised to speak on behalf of the company in relation to such matters. I can confirm that Glen's Vodka is a vodka brand for which Glen Catrine Bonded Warehouse Ltd owns the Trade Mark Number E3231107 and the brand was introduced in April 2003. I produce a copy of the Trademark Certificate and identify it as TKT/1. No other person, other than an agent authorised by our company, has permission to manufacture, produce or distribute any items bearing our trademark. On 27th September 2010, I received an E-mail from Lucas Marshall of Southampton Trading Standards Department informing me of a seizure that had been made by his department of seven 70cl bottles that were labelled Glen's Vodka and were suspected of being counterfeit. The seizure was from the premises R & J, 300 Shirley Road, Southampton, SO15 3HL. From the information provided in the E-mail, I came to the conclusion that the bottles were counterfeit. My reasons for determining that these were not genuine bottles of Glen's Vodka were as follows:- Previously, for genuine Glen's Vodka 70cl, our company only used a bottle supplied by Allied Glass Containers which can be identified by a small AGC logo on the base of the bottle. The following information was also embossed in the glass around 5mm from the base - 70cl 58mm > G1 2173. Since October 2009, our company has only used a

Signature:	
	*****

Statement of Thomas Keith Taylor - Continued
bespoke bottle supplied by Allied Glass Containers which has the AGC logo, 2589, ar G.C.B.W. embossed in the base. The E-mail from Lucas Marshall stated that the bottles used for the counterfeit product had the following information embossed in the glass – 700ml 66mm Qi 1445 C. Our company does not, and has never used this bottle for Glen's Vodka. There were not visible lot codes on the counterfeit bottles. On genuine bottles, a lot code is etched into the glass or printed by ink-jet on the bottle to allow traceability of where and when the bottle was filled. Can confirm that R & J, 300 Shirley Road, Southampton, SO15 3HL is not authorised in any way by our company to sell or offer for sale goods which bear the Glen's Vodka trade mark other than as displayed on genuine Glen's Vodka product. Counterfeiting is extremely detrimental to the brand image of our company's product and also to the consumer who has no guarantees of the quality or safety of the product they have purchased.

Signature:





## Case details for Community Trade Mark E3231107

Explanation of terms used on this page



Mark text:

GLEN'S VODKA

Status

UK case status

Original language:

Second language:

Class:

Registered

English

French

33

Relevant dates

Filing date:

Publication date:

Registration date:

18 June 2003

17 January 2005

Priority claims

Priority date:

Country: Reference 18 December 2002

United Kingdom

2319225

Class 33:

Alcoholic beverages, vodka, gin, white and dark rum.

Names and addresses

List of goods or services

Applicant:

Glen Catrine Bonded Warehouse Limited 7 Laigh Road, Catrine, Ayrshire, United Kingdom, KA5 6SQ

Representative:

MURGHTROYD & COMPANY Scotland House 165-169 Scotland Street, Glasgow, United Kingdom, G5 8PL

Earlier rights notification

Not opted in

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## WITNESS STATEMENT

Criminal Procedure	e Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B
Statement of	Do a

Statement of: PC 24191 WOOD

**URN** Age if under 18: O18

(if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 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.

Signature:

24-9,

(witness)

Date: 22/10/11

Tick if witness evidence is visually recorded

(supply witness details on rear)

I am PC 24191 Bethan WOOD of Hampshire Constabulary, currently stationed at Southampton Central police station, attached to the Violent Crime & Licensing Team.

The role of a Licensing Officer requires reviews to be carried out of Licensed Premises when they are not being run in accordance with the Licensing Objectives. This statement is in relation to the review of CK's Food, Wine & Spirits. The premises address is 92 St MARY'S ROAD, SOUTHAMPTON.

As part of the work undertaken in compiling evidence to support the review I have researched occurrences in St MARYS ROAD. These are incidents which have a direct link to the road, the details of which are held within Hampshire Constabulary's record

I can confirm that in the period from April 2011 until October 2011 there have been in excess of 225 occurrences in St MARYS ROAD alone. These occurrences include:

ro Violence/Public Order incidents (including Robberies)

- 17 Drugs related occurrences
- 54 Anti-Social behaviour incidents
- 31 Acquisitive crime incidents
- 11 Criminal Damage incidents

Signature 24-9.	Signature witnessed by:
-----------------	-------------------------

2010/11

RESTRICTED (when complete)



## RESTRICTED (when complete)



Not Disclosable

Witness contact details Home Address:	Work Tele	phone No:	
Home Telephone No:	Email add		
Mobile / Pager No:			
Preferred means of contact (specify			
Best time of contact (specify details):	t mines of Birth'		
Gender:	Date and Place of Birth: Ethnicity	Religion /	
Former name:	Code:	Belief:	
DATES OF WITNESS NON-AVA	AILABILITY:		
Witness Care  a) Is the witness willing and likel If 'No', include reason(s) on for	31111 14100.		Yes 🗌 No 🗍
b) What can be done to ensure	attendance?	a vulnerable or	Yes 🗌 No 🗌
<ul> <li>c) Does the witness require a S intimidated witness? If 'Yes'</li> </ul>	pecial Measures Assessment as submit MG2 with file.		
the section of the se	orticular needs?		Yes No No
If 'Yes' what are they? (Healthca	are, childcare, transport, disability, language difficulties.	visually impaired, restricted mobility or of	her concerns?)
Witness Consent (for witness	completion)		Yes 🗌 No 🗍
a) The Victim Personal Statem	ent scheme (victims only) has be	en explained to me.	
. U Mintin	Personal Statement leaflet		Yes 🗌 No 🗌
c) I have been given the leafle	t 'Giving a witness statement to the	ne police - what happens	Yes No No
next?" d) I consent to police having a	ccess to my medical record(s) in	relation to this matter	Yes No No N/A
(obtained in accordance with local	cord in relation to this matter being	g disclosed to the	Yes 🗌 No 🗌 N/A 🗍
defence:	heing disclosed for the purposes	of civil proceedings if	Yes 🗌 No 🗌 N/A 🗍
annicable e.g. child cale P	roceedings, CICA: above will be disclosed to the Witi ess you ask them not to. Tick this	sace Service so that they	canices:
Signature of witness:		1 1/1141 111 111	
Signature of parent/guardian/		PRINT NAME	
appropriate adult:			
Address and telephone number if different from above	e:		
Statement taken by:		Station:	
Time and place statement			
taken:			

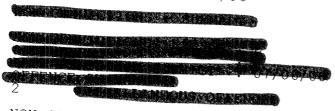


29/09/11 23:35 PAGE 1 OF 2

# POLICE PRINT OF HISTORICAL ARREST/DISPOSAL INFORMATION

CRO NUMBER

FILENAME : RATHOR, HARVINDER : 19/09/86 BIRTH DATE



OMPRODES ASSESSMENT AND A COLOR STORY 

PNCID: 06/393145X

## NON-CONVICTIONS - FULL DETAILS

A/S REF FCE/STN CODE 1 : 07/0000/00/1437726M : 44SP

FP STATUS (1) DNA-STATUS : NOT TAKEN : NOT TAKEN

OFFICER IN CASE: NOT TAKEN
A/S NAME
A/S DOB
RATHOR, HARVINDER A/S NAME : RATHOR, HARVINDER REPORTED ON 15/11/07

SALE OF ALCOHOL TO PERSON UNDER 18 METHOD

2

DEFENDANT SOLD ALCOHOL TO TELESCO.

OFFENCE ORIGINATOR: 44SP
OFFENCE DATE(S) / TIME(S): 15/11/07 18:00
OFFENCE ADDRESS: CK'S 92 ST MARYS ROAD
SOUTHAMPTON HAMPSHIRE (44SC) DEFENDANT SOLD ALCOHOL TO PERSON UNDER 18 YEARS OF AGE

: SO14 OAH : 44SC/A/40042545

COMMITTED ON BAIL : NO

OTHERS PROCESSED WITH 1 PNCID: 07/1695072A

CHECKNAME : BEGUM

COURT REF : 07/9999/717885R

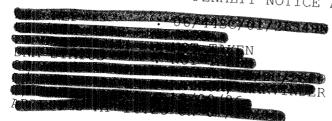
PROSECUTION AGENT: HAMPSHIRE CONSTABULARY/TRADING STANDARDS

PENALTY NOTICE 15/11/07

PLEA : NOT KNOWN

ADJUDICATION : NO ADJUDICATION DISPOSAL

: PENALTY NOTICE A/40042545



CORRESPONDED TO A STATE OF THE PROPERTY OF



11.22 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 a necessary means of promoting the licensing objectives. 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 necessary and proportionate to the promotion of the licensing objectives.

## REVIEWS ARISING IN CONNECTION WITH CRIME

11.23 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 or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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 behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.
- 11.24 Where the licensing authority is conducting a review on the ground 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 licensee 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 necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. 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. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the

licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

- 11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
  - for the sale and distribution of Class A drugs 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 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 unlawful gaming and gambling; and
  - for the sale of smuggled tobacco and alcohol.
- 11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being

- undermined through the premises being used to further crimes, it is expected that revocation of the licence even in the first instance should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.
- 11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

# REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:
  - when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review: The determination must be made before the expiry of the 28th day after the day on which the notice is received;
  - the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
  - notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.

#### McGuiness, lan

From: Marshall, Lucas

Sent: 31 October 2011 11:49

To: Licensing

Subject: CK's Food & Wine - Trading Standards representation regarding Licence Review Application

#### Dear Sir/Madam

I am in receipt of a copy of the Licence Review Application relating to CK's Food, Wine & Spirits, 92 St Marys Rd, Licence no. 2007/00746/01SPRN.

Southampton City Council Trading Standards Service wishes to make a representation in support of Hampshire Constabulary's application, on the grounds of prevention of crime and public safety. On 13<sup>th</sup> July 2011 an Officer made a test purchase of Sobieski Vodka at CK's. On 2<sup>nd</sup> August 2011 spirits, namely Wyborowa, Bols, Zubrowka, Beefeater, Absolwent, Soplica, Sobieski, Zoladkowa Gorzka, Luksusowa, Drop and Czysta brands, were seized from the premises by Southampton Trading Standards. The spirits were either not marked with a UK duty stamp as required under the Duty Stamps Regulations 2006, or were marked with counterfeit duty stamps, indicating that UK duty had not been paid on the items. It is an offence under Section 144 of the Licensing Act 2003, for keeping on the premises goods which have been imported without payment of duty or which have otherwise been unlawfully imported, and Regulation 8 of the Consumer Protection from Unfair Trading Regulations 2008, for stating or otherwise creating the impression that a product can legally be sold when it cannot. Statements from Officers of Southampton Trading Standards Service regarding these matters have been provided to the applicant in support of their application.

#### Yours faithfully

#### Lucas Marshall

Lucas Marshall Trading Standards Officer Environmental Health and Consumer Protection Division Southampton City Council Tel 023 8083 4930

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01/11/2011