

Licensing (Licensing and Gambling) Sub-Committee

Thursday, 8th March, 2012
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 B Harris
Councillor Willacy

Contacts

Democratic Support Officer
Sharon Pearson
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Head of Legal, HR and Democratic Services
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PUBLIC INFORMATION

Terms of Reference

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

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

Relevant Representations

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

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

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

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

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

Southampton City Council's Seven Priorities

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

Smoking policy

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

Mobile Telephones –

Please turn off your mobile telephone whilst in the meeting.

Fire Procedure –

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

Access –

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

Dates of Potential Meetings: Municipal Year 2011/12

2011	3 NOVEMBER
19 MAY	17 NOVEMBER
2 JUNE	1 DECEMBER
16 JUNE	15 DECEMBER
30 JUNE	2012
14 JULY	5 JANUARY
28 JULY	12 JANUARY
11 AUGUST	26 JANUARY
25 AUGUST	9 FEBRUARY
8 SEPTEMBER	23 FEBRUARY
22 SEPTEMBER	8 MARCH
6 OCTOBER	22 MARCH
20 OCTOBER	5 APRIL
	19 APRIL

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum 3

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

Disclosure of Interests

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

Personal Interests

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

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

A Member must disclose a personal interest.

Continued/.....

Prejudicial Interests

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

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

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

There are some limited exceptions.

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

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

1 ELECTION OF CHAIR

To appoint a Chair for the purposes of this meeting.

2 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

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

3 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

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

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

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 23rd February 2012 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 APPLICATION FOR REVIEW OF A PREMISES LICENCE - LONDIS NEWS, 48 LODGE ROAD, SOUTHAMPTON, SO14 6RJ

Report of the Head of Legal, HR and Democratic Services detailing an application by Trading Standards for review of a premises licence in respect of Londis News, 48 Lodge Road, Southampton, SO14 6RJ, attached.

ITEM 8 WILL NOT BE HEARD BEFORE 10.30 AM

**8 APPLICATION FOR REVIEW OF A PREMISES LICENCE - 90 DEGREES AT
CARLTONS, 24 CARLTON PLACE, SOUTHAMPTON, SO15 2DY**

Report of the Head of Legal, HR and Democratic Services detailing an application by Hampshire Constabulary for review of a premises licence in respect of 90 Degrees At Carltons, 24 Carlton Place, Southampton, SO15 2DY, attached.

TUESDAY, 28 FEBRUARY 2012

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 23 February 2012

Present: Councillors Cunio, Parnell and Thomas

90. **ELECTION OF CHAIR**

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

91. **DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

Councillor Thomas declared a non-prejudicial interest and remained in the meeting.

92. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 9th February 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

93. **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 a predetermined point whilst the Sub-Committee reach its decisions.

94. **APPLICATION FOR A PREMISES LICENCE - TESCO STORES LIMITED, LORDSWOOD ROAD, SOUTHAMPTON, SO16 6LN**

The Sub-Committee considered the application for a premises licence in respect of Tesco, Lordswood Road, Southampton, SO16 6LN. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Window, Area Manager - Tesco, Mr Wilson, Store Manager - Tesco, Mr Dewey, Operations Manager - Tesco, Mr Bark (Solicitor for Tesco), PC Prior and PC Harris, Hampshire Constabulary and Mr Pottiwal, Objector, were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that the application be granted subject to extensive and full conditions as agreed with the police **without** the additional wording put forward by the applicant and dealing with:-

- Staff training
- Challenge 25
- CCTV
- Log relating to incidents at the premises
- Refusals Book
- Security Guard at premises 7 days a week from 6.00 pm to close.

REASONS

The Sub-Committee considered carefully the application for a premises licence at Tesco Stores, Lordswood Road and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and representations, both written and given orally today by Hampshire Constabulary, residents and the applicant.

The Sub-Committee considered very carefully the evidence of the residents relating to the licensing objectives and the potential for problems caused by the premises in this location but were satisfied that the steps proposed by the amended operating schedule with conditions as agreed with the police would be sufficient to address the four licensing objectives. The Sub-Committee were also cognisant that the police were satisfied with the application and had withdrawn their representation.

The Sub-Committee had serious concerns in relation to the location of this premises with clear evidence showing crime and anti-social behaviour in the area as well as issues raised by residents relating to this. At the same time, it was bound to carefully consider the police evidence which indicated a distinct difference delineated by the road which created a physical separation between the two areas. This was borne out by a significant difference in the crime statistics, sufficient, in their view, to warrant an alternative approach to other premises in the area. Despite the residents' and the Sub-Committee's concerns, careful analysis of the evidence presented did not sufficiently show that it was necessary and proportionate to refuse a licence in this instance.

The Sub-Committee accepted legal advice that it could only consider those issues properly raised in formal representations. In light of the extent of the operational procedures and conditions agreed by the applicant and the clear indication by the police that these would address the licensing objectives, the decision was deemed to be proportionate.

The Sub-Committee determined that the conditions should reflect the current position and stressed that in the event that circumstances changed, conditions could be amended by way of a minor variation or variation application. In the circumstances and based on the police evidence, the conditions as drafted without the additional wording put forward by the applicant were felt to be necessary and proportionate.

Agenda Item 7



Reference: 2012/00138/01SRAP

Hearing:

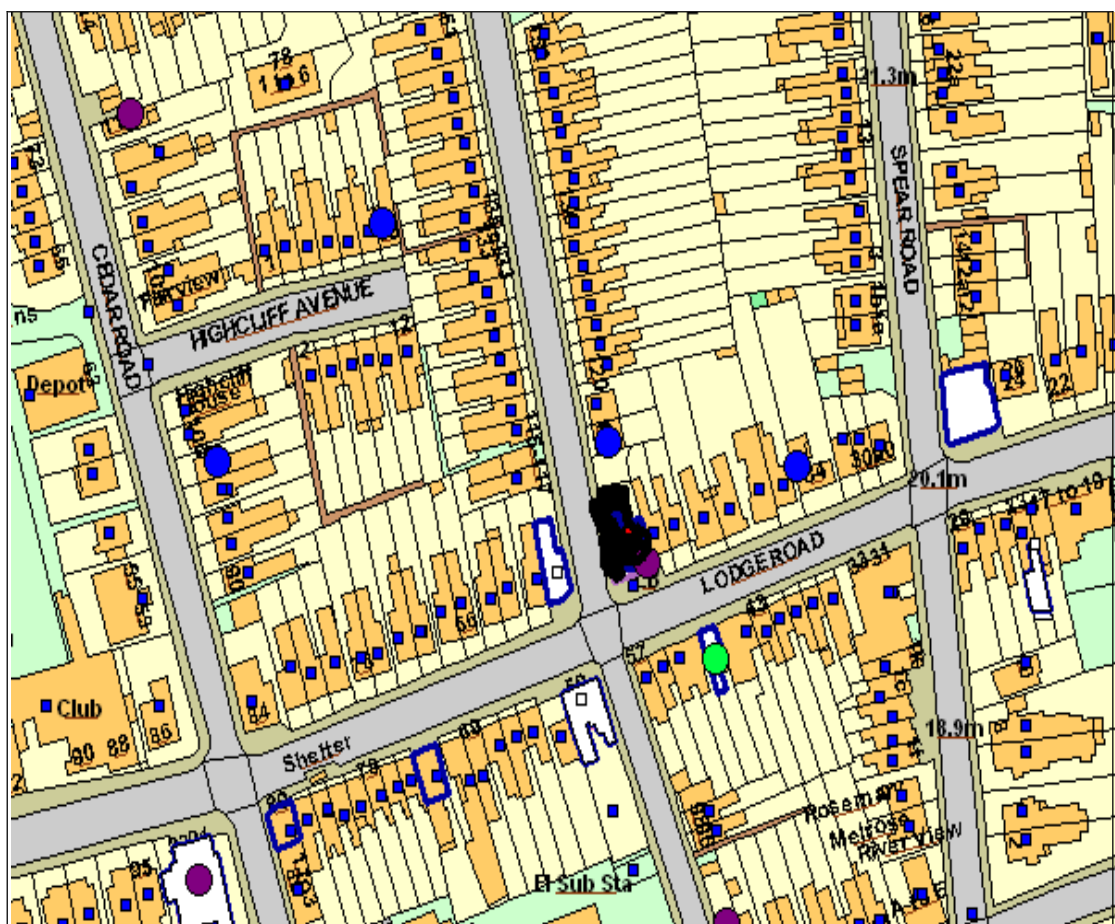
8th March 2012

Application for Review of Premises Licence

Premises Name: Londis News
Premises Address: 48 Lodge Road
Southampton
SO14 6RJ

Application Date: 23rd January 2012
Application Received Date: 23rd January 2012

Application Valid Date: 23rd January 2012



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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	No	

Other Representations

Name	Address	Contributor Type
None Received		

Legal Implications

1. Part 3 of the Licensing Act 2003 provides that a responsible authority of a resident or business in the vicinity (interested party) may apply for review of a premises licence.
2. The grounds of review applications must relate to one or more of the licensing objectives.
3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.
4. On receipt of the application for review, the officers will consider its validity, under delegated powers. Reasons for rejection, in whole or in part, include:
 - that the grounds for review are not relevant to one or 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 make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
11. Copies of the application for review and the Police objection are annexed to this report.
12. The sub-committee must also have regard to:-
13. *Crime and Disorder Act 1998*

Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of

those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

14. Human Rights Act 1998

The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which 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.

SOUTHAMPTON CITY COUNCIL

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I Southampton City Council Trading Standards Service

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Londis, 48 Lodge Road, Southampton, SO14 6RJ	
Post town Southampton	Post code (if known) SO14 6RJ

Name of premises licence holder or club holding club premises certificate (if known) Minesh Narendra Patel
--

Number of premises licence or club premises certificate (if known) 2010/01591/01SPRD
--

Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Christine Hill
Trading Standards Service
Southampton City Council
Civic Centre Road
Southampton
SO14 7LY

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

The Prevention of Crime and Disorder
Public Safety

On 31 August 2011, during an inspection at Londis, 48 Lodge Rd, Southampton I found counterfeit and non-UK duty paid vodkas in possession for sale.

Counterfeit and non genuine 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 either copies of an existing brand of vodka, or packed and labelled as a brand of vodka which does not exist. 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. There are therefore public safety issues with the sale of such vodka.

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". Appropriate duty would not have been paid on the counterfeit vodka.

Also found on 31 August were a number of bottles of counterfeit Jacobs Creek wines.

Trading Standards Officers have been aware of counterfeit Jacob's Creek wines on the market since December 2010. The counterfeit wine is not known to be harmful,

but it is of poor quality and is inferior to the genuine product. The identifying features of the counterfeit wines are not immediately obvious to a purchaser, being spelling mistakes on the rear label of the bottle and differences in the closure. Genuine Jacob's Creek wines typically retail at around £8 per bottle, so purchasers of the counterfeit product are paying a premium for wine which is not of equivalent quality. Meanwhile the producers and retailers of the genuine product are losing out economically, including loss of repeat sales by purchasers who do not like the inferior counterfeit version but believe it to be the genuine product.

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". It is highly unlikely that duty would have been paid on the counterfeit wine.

It is considered that the holder of the premises licence has not fulfilled the duty under the Licensing Act 2003 to prevent crime and disorder and 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 objectives.

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

The business which trades as Londis at 48 Lodge Road, Southampton, SO14 6RJ is KN Enterprise Ltd. Mr Minesh Narendra Patel is the company director of KN Enterprise Ltd. He lives at 48 Lodge Road and has run the shop since May 2010. He is the Designated Premises Supervisor and Premises Licence Holder at the premises and does all the buying of stock for the shop.

In October 2010 KN Enterprise accepted a simple caution for under age sale of alcohol. It came to light during this investigation that Mr Patel had not applied to transfer the licence at the shop.

A complaint was received at this department on 26 August concerning the quality of some vodka purchased at Londis. A visit was made to the shop on Wednesday 31 August 2011, when a total of 130 bottles of wines and spirits were seized as they were suspected of being counterfeit. These were subsequently examined or sent for analysis and a schedule of the seizures and results is attached. Six bottles were found to be genuine and were returned to Mr Patel.

Mr Patel attended an ARI on Thursday 17 November. He had been asked to produce invoices showing where his wines and vodkas came from but for most was unable to provide any. The products concerned were:
Assorted vodkas (7 bottles) – these were genuine Polish product, but non UK duty paid. He claims they were presents from customers and were being kept in his storeroom for his own use.

Jacobs Creek wines (35 bottles) – although he claims to sell a lot of this when he can get it on offer, and that he buys it from *****, ***** Cash and Carry and the ***** depot at *****, he has not produced any receipts.

Sobieski Vodka (6 bottles) – he has produced a receipt from ***** for the purchase of 6 bottles in November 2010. Even if this were a slow seller, it seems unlikely that none would have sold over that time. The bottles seized are also two different types of bottles, and it is unlikely they are from the same batch.

Prince Consort Vodka (31 bottles) – he produced a receipt showing the purchase of a total of 54 bottles of this vodka, from ***** Cash and Carry in July 2011, which would tie up with the stock found. This has been referred to ***** TS for investigation.

Arctic Ice Vodka (45 bottles) – he admits to buying this from a man with a van who came to his shop, and says that he has no receipt for it.

Mr Patel was aware that there are known problems at the present time with counterfeit and fake spirits and wines, but still purchased a large quantity of spirits from an unknown trader. He carries a large amount of stock, suggesting a rapid turnover of products, but still failed to produce any believable traceability for most products. He has been in the off licence business for a number of years, yet keeps non duty paid spirits in his stockroom. It is difficult to tell whether he has knowingly purchased illegal spirits and wines, but if not, there are a number of simple checks and precautions he could have carried out to avoid having all the illegal alcohol in his shop

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 and cigarettes 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 and cigarettes present at his premises "

- I would also ask that the licence is suspended for a period of 3 months, as a deterrent to committing further such offences.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

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

N/A

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature
.....

Date
.....

Capacity Trading Standards Officer
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Christine Hill Trading Standards Service Southampton City Council Civic Centre Rd	
Post town Southampton	Post Code SO14 7LY

Notes for Guidance

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

TRADING STANDARDS SERVICE WITNESS STATEMENT

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2011 (Rule 27))

STATEMENT OF: **CHRISTINE HILL**

AGE IF UNDER 18: **OVER 18**

This statement (consisting of 3 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 10th day of January 2012

Signature:C R Hill

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

Dated the day of2012.. .. Signature:

A My name is Christine Hill. I am employed by Southampton City Council as a Trading Standards
Officer based at 7 Civic Centre Road, Southampton. On Friday, 26 August 2011 I received a
complaint from a member of the public regarding the quality of Arctic Ice vodka sold at Londis,
B 48 Lodge Road, Southampton. On Tuesday, 30 August 2011 I visited this shop and purchased
a bottle of Arctic Ice vodka for £8.99. On examination the vodka was not correctly labelled,
having no lot code or manufacturer's details and the vodka appeared cloudy. I gave it the
C sample number 008911 and submitted it to the public analyst on 1 September. On Wednesday,
31 August 2011, accompanied by Trading Standards Officer, Lucas Marshall, I returned to
Londis, 48 Lodge Road, Southampton and carried out an inspection of all the wines and spirits
D on sale in the shop. I found three 1 litre bottles of Prince Consort vodka on which the duty
stamp did not fluoresce under UV light and which did not appear to have a lot code. I seized
these and gave them reference numbers 008915, 008917 and 008919. I produce these as
E Exhibits CRH/1, CRH/2 and CRH/3 respectively. CRH/3 I subsequently sent to Glen Catrine for
examination on 23 September. I also found seven 35 cl bottles of Prince Consort vodka on
ST1(1)HQ which the duty stamp did not fluoresce under UV light and which did not appear to have a lot

Signature:C R Hill.....

BY **CHRISTINE HILL**

A code. I seized these and gave them the reference number 008916 and I produce these as
Exhibit CRH/4. One of these bottles I subsequently submitted to Glen Catrine for examination
on 23 September. I found three 70 cl bottles of Arctic Ice vodka marked identically to that
B purchased on the previous day and seized these, giving them the reference number 008918. I
produce these as Exhibit CRH/5. I found four 70 cl bottles of Sobieski vodka on which the duty
stamp did not fluoresce under UV light and which bore the legend 'enjoy with absolut
responsibility'. The first of these I gave the reference number 008920, and subsequently
C submitted this to the public analyst on 1 September. The other three I gave the reference
number 008921 and produce these as Exhibit CRH/6. I also examined 12 bottles of Jacobs
Creek wines which were displayed for sale in the shop. I noticed a number of spelling mistakes
on the bottle labels which indicated to me that the wines might be counterfeit. I seized all 12
D bottles, gave them the reference number 008922 and produce them as Exhibit CRH/7. I
subsequently submitted these to Pernod Ricard for examination on 11 October. I then inspected
the wines and spirits in the stock room at the rear of the shop. I found twenty one 35 cl bottles
of Prince Consort vodka with identical markings to those found in the shop. I seized these,
E giving them the reference number 008923 and produce them as Exhibit CRH/8. I also found
forty two 1 litre bottles of Arctic Ice vodka, marked identically to that purchased on the previous
day and seized these, giving them the reference number 008924 and produce them as Exhibit
F CRH/9. I found two 70 cl bottles of Sobieski vodka marked identically to those found in the shop
and seized these, together with two 70 cl bottles of Wyborowa vodka, two 70 cl bottles of
Zubrowka vodka, two 70 cl bottles of Czysta vodka, and one 70 cl bottle of Krupnik vodka, none
G of which bore a UK duty stamp and gave these together the reference number 008925. I
produce these as Exhibit CRH/10. I also examined 23 bottles of Jacobs Creek wines which
bore similar spelling mistakes to those found in the shop. I seized all 23 bottles, gave them the
reference number 008926 and produce them as Exhibit CRH/11. I subsequently submitted

ST1(2)HQ Signature:C R Hill.....

BY **CHRISTINE HILL**

A these to Pernod Ricard for examination on 11 October. On Thursday, 17 November 2011 I
conducted a recorded interview with Minesh Patel from Londis at 48 Lodge Road, in accordance
with the Police and Criminal Evidence Act 1984 and associated codes of practice. The interview
was conducted in the interview room at Trading Standards Service, 7 Civic Centre Road,
B Southampton. I produce a copy of the interview CD as Exhibit CRH/12. Mr Patel said that he
was the Premises Licence Holder and Designated Premises Supervisor at 48 Lodge Road and
bought all the stock for the shop. I had asked Mr Patel to produce invoices relating to the
alcohol I had seized in the shop. He told me that the bottles of Wyborowa, Zubrowka, Czysta
C and Krupnik vodkas (produced as Exhibit CRH/10) which had no UK duty stamps were presents
from customers. He gave me an invoice from ***** Cash and Carry dated 22/07/11 showing the
purchase of 48 x 35 cl and 6 x 1L bottles of Prince Consort Vodka which I produce as Exhibit
CRH/13. He gave me a second invoice dated 29/11/10, also from ***** Cash and Carry,
D showing the purchase of Sobieski Vodka which I produce as Exhibit CRH/14. Mr Patel said he
had not been able to find invoices for the Jacobs Creek Wines and that he had not been given
any invoices or receipts for the Arctic Ice Vodka.

Signature:C R Hill.....

E

F

G

ST1(2)HQ

STATEMENT OF: **CHRISTINE HILL**

HOME ADDRESS:

BUSINESS ADDRESS: **Southampton City Council, Trading Standards Service, 7 Civic Centre Road, Southampton SO14 7FJ**

DATE OF BIRTH:

OCCUPATION: **Trading Standards Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO:

WITNESS AVAILABILITY (Delete dates to be avoided)

Month of							Month of							Month of						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				
Month of							Month of							Month of						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

CONTACT POINT IF DIFFERENT FROM ABOVE:

ADDRESS:

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.

None

Dated the ...10th.. day of ...Jan..... 2012

Signed ...C R Hill.....



Incident reference

11/01408/TMA

Exhibit reference

CRH/1

Description of article

1L OF PRINCE CONSORT

VODKA

REF: 008915

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Incident reference

11/01408/TMA

Exhibit reference

CRH/3

Description of article

1L OF PRINCE CONSORT

VODKA

REF: 008919

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Incident reference

11/01408/TMA

Exhibit reference

CRH/2

Description of article

1L OF PRINCE CONSORT

VODKA

REF: 008917

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Incident reference

11/01408/TMA

Exhibit reference

CRH/4

Description of article

7x 35cl BOTTLES OF

PRINCE CONSORT VODKA

REF: 008916

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Incident reference

11/01408/TMA

Exhibit reference

CRH/5

Description of article

3X 70CL BOTTLES OF
ARCTIC ICE VODKA
REF: 008918

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Incident reference

11/01408/TMA

Exhibit reference

CRH/7

Description of article

12 BOTTLES OF JACOBS
CREEK WINES
REF: 008922

Name of person originally identifying (block letters)

CHRISTINE HILL



Incident reference

11/01408/TMA

Exhibit reference

CRH/6

Description of article

3X 70CL BOTTLES OF
SOBIESKI VODKA
REF: 008921

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Incident reference

11/01408/TMA

Exhibit reference

CRH/8

Description of article

21x 35CL BOTTLES OF
PRINCE CONSORT VODKA
REF: 008923

Name of person originally identifying (block letters)

CHRISTINE HILL



Incident reference

11/01408/TMA

Exhibit reference

CRH/9

Description of article

42x 1L BOTTLES OF
ARCTIC ICE VODKA
REF: 008924

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Incident reference

11/01408/TMA

Exhibit reference

CRH/11

Description of article

23x BOTTLES OF
JACOBS CREEK WINES
REF: 008926

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Incident reference

11/01408/TMA

Exhibit reference

CRH/10

Description of article

2x 70CL SOBIESKI VODKA
2x 70CL WYBOROWA VODKA
2x 70CL ZUBROWKA VODKA
2x 70CL CZYSTA VODKA
1x 70CL KRUPNIK VODKA
REF: 008925
Signature of person originally identifying

CHRISTINE HILL

EH.126 07.10.22561



Incident reference

11/01408/TMA

Exhibit reference

CRH/12

Description of article

CD OF RECORDED
INTERVIEW OF MR
M PATEL 17.11.11.

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Trading Standards Service

Incident reference 11/01408/TMA

Exhibit reference CRH/14

Description of article INVOICE FROM [REDACTED] CASH + CARRY DATED 29/11/10

Name of person originally identifying (block letters) CHRISTINE HILL

EH.126 07.10.22561



Trading Standards Service

Incident reference 11/01408/TMA

Exhibit reference CRH/13

Description of article INVOICE FROM [REDACTED] CASH + CARRY DATED 22/7/11

Name of person originally identifying (block letters) CHRISTINE HILL

EH.126 07.10.22561

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 24th Day of October 2011

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 Prince Consort Vodka is a vodka brand that Glen Catrine Bonded Warehouse Ltd produces on behalf of Independent Food Services, Milton Keynes, MK9 2AH, who own the Trade Mark. I produce a copy of the Trademark Certificate and identify it as TKT/1. On 26th September 2011, I received from Christine Hill of Southampton City Council Trading Standards Service two sealed plastic bags. The first bag was sealed with seal number 03714237 and contained a 1Litre bottle that was labelled 'Prince Consort Vodka'. The bag also contained a Southampton Trading Standards Service label identifying the bottle as Sample No. 008919. The second bag was sealed with seal number 03714096 and contained a 35cl bottle that was labelled 'Prince Consort Vodka'. The bag also contained a Southampton Trading Standards Service label identifying the bottle as Sample No. 008916/1. I placed the sealed plastic bags in secure storage and removed the bottles from them prior to examination. On examination of the Litre bottle I came to the conclusion that it was counterfeit. My reasons for determining that this was not a genuine Litre bottle of Prince Consort Vodka were as follows: - Since October 2009, our company only used a bespoke bottle supplied by Allied Glass Containers which has the AGC

Signature: .

Statement of Thomas Keith Taylor – Continued

logo, 2591, and G.C.B.W. embossed in the base. In October 2010 we changed to a new bespoke bottle with the AGC logo, 2622, and G.C.B.W embossed in the base. The bottle used for the counterfeit product had the following information embossed in the glass – 1L 73mm \varnothing G1 2390. Our company does not, and has never used this bottle for Prince Consort Vodka. The front and back labels and cap on the bottle were counterfeit. On examination of the 35cl bottle I came to the conclusion that it was counterfeit. My reasons for determining that this was not a genuine 35cl bottle of Prince Consort Vodka were as follows; The cap on the counterfeit bottle was plain red with no printing on it. Genuine caps have “Prince Consort” printed on them. The front and back labels on the bottle were counterfeit and the printing fonts used on the back label were different to those on genuine labels. Genuine bottles of Prince Consort Vodka have production lot codes applied by laser or ink-jet at the time of filling to allow each bottle to be traced. There were no lot codes on the counterfeit bottles. The spirit in the counterfeit bottles was organoleptically different from genuine Glen’s Vodka and the spirit quality was poor having an unpleasant odour. The alcoholic strength was tested and found to be 32.9% vol. in the Litre bottle and 34.8% vol. in the 35cl bottle. Genuine Prince Consort Vodka is bottled at an alcoholic strength of 37.5% with a tolerance of +/- 0.3% vol. After examination of the counterfeit Litre bottle, I placed it back in the plastic bag along with the original seal and sample label and sealed the bag with seal number 6539527. After examination of the counterfeit 35cl bottle, I placed it back in the plastic bag along with the original seal and sample label and sealed the bag with seal number 6539528. The sealed bags were placed in suitable packaging and returned by courier to Christine Hill of Southampton City Council Trading Standards Service. 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:



TRADE MARKS ACT, 1938

GREAT BRITAIN AND
NORTHERN IRELAND

TKT 11

PRINCE CONSORT

The Trade Mark shown above has been registered in Part A of the Register under No. 1,209,925 as of the date 30th December 1983 in Class 33 Schedule IV in respect of Wines, spirits (beverages) and liqueurs; all for sale in the United Kingdom, in the name of INDEPENDENT FOOD SERVICES LIMITED.

The Trade Marks Registry, The Patent Office,
State House,
66-71 High Holborn,
London WC1R 4TP

Notes

- Registration is for 7 years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of 14 years.
- This certificate is not for use in Legal Proceedings or for obtaining Registration abroad.

Sealed at my direction this 17th day of July 1987

P. J. COOPER
REGISTRAR.

• Upon any change of ownership of this Trade Mark, or change in address, applications should AT ONCE be made to the Registrar to register the change.

TRADE MARKS
REGISTRY



REGISTRATION
CERTIFICATE

Trade Marks Act 1994 of Great

Britain and Northern Ireland

The mark shown below has been registered under No. 2221250 as of the date 03 February 2000.

JACOB'S CREEK

The mark has been registered in respect of:

Class 32:

Beers; non-alcoholic beverages.

In the name of Orlando Wyndham Group Pty Ltd
Incorporated in Australia

PERNOD RICARD BRAND SECURITY

IDENTIFICATION OF EXHIBIT Criminal Procedure Rules R27

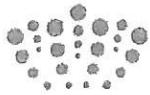
THIS IS THE: Jacob's Creek UK National Trademark Class 32

REFERRED TO IN MY STATEMENT DATED: 14/10/2011

AS EXHIBIT NUMBER: JM/1 SIGNEI

Sealed this day at my direction

DATE 14 July 2000



Mewburn Ellis LLP
33 Gutter Lane
London
UK
EC2V 8AS

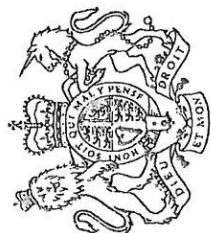
04 January 2010

CERTIFICATE OF RENEWAL OF TRADE MARK

Trade Mark Number : **2221250**
in Class(es) : **32**
registered in the name of : **Pernod Ricard Pacific Pty Ltd**
has been renewed until : **03 February 2020**
Your Reference : **6609291R**

IMPORTANT We have shown the first 100 characters of the owner's name as recorded in the Register of Trade Marks. If this is wrong, please fill in and send us a form TM16 if ownership has changed or a form TM21 for other changes.

If you have any queries on this renewal, they should be addressed to the Renewals Section on 01633 814433



TRADE MARKS ACT, 1938

GREAT BRITAIN AND
NORTHERN IRELAND

JACOB'S CREEK

Certified a true copy of
the original document

LATKUNAS 8.10.2010

KYLIE THOMAS

A Commissioner for taking Affidavits
in the Supreme Court of South Australia

*167 Fullerton Road Dulwich
South Australia 5005*

The Trade Mark shown above has been registered in Part 5 of the Register under No. 31,134,628 as of the date 3rd November 1982
in Class 33 Schedule IV in respect of wines, spirits (beverages) and liqueurs,

in the name of G. SPAMP & SONS PROPRIETARY LIMITED, Australia (South Australia).

The Trade Marks Registry, Patent Office,
25, Southampton Buildings, London, W.C.2.

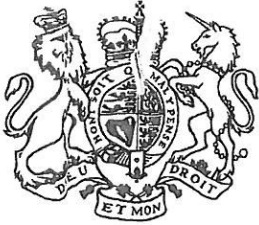
Registration is for 7 years from the date first above mentioned, and may then be renewed, and
also at the expiration of each period of 14 years thereafter.
This certificate is not for use in Legal Proceedings or for obtaining Registration abroad.

Sealed at my direction this

6th day of February 1985

IVOR DAVIS CB
REGISTRAR.

NOTE - Upon any change of ownership of this Trade Mark, or change in address,
applications should AT ONCE be made to the Registrar to register the change.



TRADE MARKS ACT, 1938

GREAT BRITAIN AND
NORTHERN IRELAND

1234

CERTIFICATE OF RENEWAL

The Trade Mark No. 1184628 in Class 33, registered in the name of
G. GRAMP & SONS PROPRIETARY LIMITED

has been renewed for a period of 14 years from the 3 November 1989

The Trade Marks Registry, The Patent Office,
State House
66-71 High Holborn,
London WC1R 4TP

P.R.S. HARTNACK
REGISTRAR

Certified a true copy of
the original document

K.
KYLIE THOMAS
A Commissioner for taking Affidavits
in the Supreme Court of South Australia
167 Fullarton Road Dulwich
South Australia 5065

TRADE MARKS
REGISTRY



RENEWAL
CERTIFICATE

The Trade Mark No. 1184628 in Class(es) :-

33

registered in the name of Orlando Wyndham Group Pty Ltd
Incorporated in Australia
has been renewed for a period of 10 years from the 3 November 2003
and was advertised as renewed in Trade Mark Journal 6503.

Certified a true copy of
the original document.

KYLIE THOMAS

*A Commissioner for taking Affidavits
in the Supreme Court of South Australia*

*167 Fullarton Road Dulwich
South Australia 5065*

Sealed this day at my direction

REGISTRAR
DATE

30 September 2003



Case details for Trade Mark 1184628

[Explanation of terms used on this page](#)

[Case history including, where available, licensee details](#)

Mark	
Mark text:	JACOB'S CREEK

Status	
Status:	Registered
Class:	33

Relevant dates	
Filing date:	03 November 1982
Next renewal date:	03 November 2013

Publication in Trade Marks Journal	
First advert:	
Journal:	5537
Page:	2816
Publication date:	24 October 1984
Renewal:	
Journal:	6503
Publication date:	24 October 2003

List of goods or services

Class 33: Wines, spirits (beverages) and liqueurs.

Names and addresses

Proprietor: Pernod Ricard Pacific Pty Ltd
167 Fullarton Road, Dulwich SA 5065, Australia

Incorporated country: United Kingdom

Residence country: United Kingdom

Customer's ref: REW/FG6602510

ADP number: 0841193001

Other cases owned by this proprietor

Agent: Mewburn Ellis LLP
33 Gutter Lane, London, EC2V 8AS

ADP number: 0000109001

Service: Mewburn Ellis LLP
33 Gutter Lane, London, EC2V 8AS

ADP number: 0000109001

Other particulars

Disclaimer: Registration of this mark shall give no right to the exclusive use of the word "Jacob's".

Earlier rights notification

Opted in for notifications

[Explanation of terms used on this page](#)

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Intellectual Property Office is an operating name of the Patent Office

Class 33: Wines, spirits (beverages) and liqueurs.

Names and addresses

Proprietor: Pernod Ricard Pacific Pty Ltd
167 Fullarton Road, Dulwich SA 5065, Australia

Incorporated country: United Kingdom

Residence country: United Kingdom

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33 Gutter Lane, London, EC2V 8AS

ADP number: 0000109001

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Earlier rights notification

Opted in for notifications

Explanation of terms used on this page

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Intellectual Property Office is an operating name of the Patent Office



Trade Mark Details as at 09 June 2010

Case details for Trade Mark 1184628

Historical Event

Date Actioned: 28 January 2009

Details: TM33 received L/F 2005195 JNL 6773

Previous Details:

Agent: Withers & Rogers LLP
Goldings House, 2 Hays Lane, London, SE1 2HW

ADP Number: 0001776001

Service: D. Young & Co. LLP
120 Holborn, London, EC1N 2DY

ADP Number: 0000059001

Historical Event

Date Actioned: 20 February 2007

Details: ADP NUMBER CHANGED BY CLEANUP
00049933

Historical Event

Date Actioned: 20 February 2007

Details: ADP NUMBER CHANGED BY CLEANUP
00049933

Historical Event

Date Actioned: 20 February 2007

Details: ADP NUMBER CHANGED BY CLEANUP
00049933

Historical Event**Date Actioned:** 30 September 2003**Details:** Trade Mark Renewed**Historical Event****Date Actioned:** 11 August 2003**Details:** Renewal Reminder Sent**Historical Event****Date Actioned:** 7 April 1993**Details:** TM1 RECEIVED 22.03.1993**Historical Event****Date Actioned:** 31 March 1993**Details:** ADP NUMBER CHANGED BY CLEANUP
00008804**Historical Event****Date Actioned:** 31 March 1993**Details:** ADP NUMBER CHANGED BY CLEANUP
00008804**Historical Event****Date Actioned:** 20 March 1992**Details:** Record Correction**Previous Details:****Disclaimer:** Disclaimer inserted:**Exclusive use restrictions:** addition of a wholly descriptive and non-Trade Mark
character.tererons filedthe word JACOB'S

Historical Event

Date Actioned: 5 April 1991
Details: Name And Address Change
Previous Details:
Proprietor: Pernod Ricard Pacific Pty Ltd
167 Fullarton Road,Dulwich SA 5065,Australia
Residence Country: United Kingdom
ADP Number: 0841193001

Historical Event

Date Actioned: 28 March 1991
Details: Name And Address Change
Previous Details:
Proprietor: Pernod Ricard Pacific Pty Ltd
167 Fullarton Road,Dulwich SA 5065,Australia
Residence Country: United Kingdom
ADP Number: 0841193001

Historical Event

Date Actioned: 16 October 1989
Details: Trade Mark Renewed

Historical Event

Date Actioned: 14 August 1989
Details: Renewal Reminder Sent

WORLD INTELLECTUAL
PROPERTY ORGANIZATION

34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva 20 (Switzerland)
WIPO postal cheque account: No. 12-5000-8 Geneva
Int'l Bank Account Number (IBAN): Credit Swiss Bank, Geneva
CH35 0425 1048 7080 8100 0 / Swift Code: CRESCHZZ12A
Tel. (41-22) 338 9111 Fax: (41-22) 733 5428
E-mail: intreg.mail@wipo.int Internet: <http://www.wipo.int>



24 MAR 2006

Madrid Agreement
and
Madrid Protocol

By registered mail

Madderns
Level 1,
64 Hindmarsh Square
ADELAIDE SA 5000
Australia

Our reference: 860/331635501

Geneva, 16/03/2006

Re: Statement of Grant of Protection
International registration No. 837572 (JACOB'S CREEK)

Madam,
Sir,

Please find enclosed a statement of grant of protection for the above-mentioned international registration, issued by the Office of European Community, in accordance with Rule 17(6) (a) (i) of the Common Regulations under the Madrid Agreement and the Protocol Relating to that Agreement.

You will also find enclosed a copy of Information Notice No. 23/2000, which concerns such statements.

International Bureau of the World Intellectual
Property Organization (WIPO)

PERNOD RICARD BRAND SECURITY

IDENTIFICATION OF EXHIBIT Criminal Procedure Rules R27

THIS IS THE: Jacob's Creek Trademark EU Class 33

REFERRED TO IN MY STATEMENT DATED: 14/03/2011

AS EXHIBIT NUMBER: JM/3 SIGNED:



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

Trade Marks Department

W304

Second Statement of Grant of Protection pursuant to Rule 17(6)(a)(iii) of the Common Regulations under the Madrid Agreement and Protocol, and Rule 116(2) of the Regulation implementing the Community Trade Mark Regulation

Alicante, 06/03/2006

<i>International registration number:</i>	0837572
<i>Date of notification to OHIM:</i>	23-12-2004
<i>Name of the Holder:</i>	Oriando Wyndham Group Pty Ltd
<i>Trade Mark:</i>	JACOB'S CREEK

The opposition period has expired without any opposition or observations by third parties being filed and the above-mentioned mark is accepted for protection in the European Community.

Pursuant to Article 146(2) of the Community Trade Mark Regulation and Rule 116(1) of the Regulation implementing the Community Trade Mark Regulation, it shall have the same effect as the registration of a mark as a Community trade mark.

MORALES PAREDES, Juan Antonio
Examiner



Trade Mark Details as at 09 June 2010

Case details for Trade Mark 1184628

Historical Event

Date Actioned: 28 January 2009

Details: TM33 received L/F 2005195 JNL 6773

Previous Details:

Agent: Withers & Rogers LLP
Goldings House, 2 Hays Lane, London, SE1 2HW

ADP Number: 0001776001

Service: D. Young & Co. LLP
120 Holborn, London, EC1N 2DY

ADP Number: 0000059001

Historical Event

Date Actioned: 20 February 2007

Details: ADP NUMBER CHANGED BY CLEANUP
00049933

Historical Event

Date Actioned: 20 February 2007

Details: ADP NUMBER CHANGED BY CLEANUP
00049933

Historical Event

Date Actioned: 20 February 2007

Details: ADP NUMBER CHANGED BY CLEANUP
00049933

Historical Event**Date Actioned:** 30 September 2003**Details:** Trade Mark Renewed**Historical Event****Date Actioned:** 11 August 2003**Details:** Renewal Reminder Sent**Historical Event****Date Actioned:** 7 April 1993**Details:** TM1 RECEIVED 22.03.1993**Historical Event****Date Actioned:** 31 March 1993**Details:** ADP NUMBER CHANGED BY CLEANUP
00008804**Historical Event****Date Actioned:** 31 March 1993**Details:** ADP NUMBER CHANGED BY CLEANUP
00008804**Historical Event****Date Actioned:** 20 March 1992**Details:** Record Correction**Previous Details:****Disclaimer:** Disclaimer inserted:**Exclusive use restrictions:** addition of a wholly descriptive and non-Trade Mark
character.tererons filedthe word JACOB'S

Historical Event

Date Actioned: 5 April 1991

Details: Name And Address Change

Previous Details:

Proprietor: Pernod Ricard Pacific Pty Ltd
167 Fullarton Road,Dulwich SA 5065,Australia

Residence Country: United Kingdom

ADP Number: 0841193001

Historical Event

Date Actioned: 28 March 1991

Details: Name And Address Change

Previous Details:

Proprietor: Pernod Ricard Pacific Pty Ltd
167 Fullarton Road,Dulwich SA 5065,Australia

Residence Country: United Kingdom

ADP Number: 0841193001

Historical Event

Date Actioned: 16 October 1989

Details: Trade Mark Renewed

Historical Event

Date Actioned: 14 August 1989

Details: Renewal Reminder Sent

WORLD INTELLECTUAL
PROPERTY ORGANIZATION

34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva 20 (Switzerland)
WIPO postal cheque account: No. 12-5000-8 Geneva
Int'l Bank Account Number (IBAN): Credit Swiss Bank, Geneva
CH35 0425 1048 7080 8100 0 / Swift Code: CRESCHZZ12A
Tel. (41-22) 338 9111 Fax: (41-22) 733 5428
E-mail: intreg.mail@wipo.int Internet: <http://www.wipo.int>



24 MAR 2006

Madrid Agreement
and
Madrid Protocol

By registered mail

Madderns
Level 1,
64 Hindmarsh Square
ADELAIDE SA 5000
Australia

Our reference: 860/331635501

Geneva, 16/03/2006

Re: Statement of Grant of Protection
International registration No. 837572 (JACOB'S CREEK)

Madam,
Sir,

Please find enclosed a statement of grant of protection for the above-mentioned international registration, issued by the Office of European Community, in accordance with Rule 17(6) (a) (i) of the Common Regulations under the Madrid Agreement and the Protocol Relating to that Agreement.

You will also find enclosed a copy of Information Notice No. 23/2000, which concerns such statements.

International Bureau of the World Intellectual
Property Organization (WIPO)

PERNOD RICARD BRAND SECURITY

IDENTIFICATION OF EXHIBIT Criminal Procedure Rules R27

THIS IS THE: Jacob's Creek Trademark EU Class 33

REFERRED TO IN MY STATEMENT DATED: 14/03/2011

AS EXHIBIT NUMBER: JM/3 SIGNED:



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

Trade Marks Department

W304

Second Statement of Grant of Protection pursuant to Rule 17(6)(a)(iii) of the Common Regulations under the Madrid Agreement and Protocol, and Rule 116(2) of the Regulation implementing the Community Trade Mark Regulation

Alicante, 06/03/2006

<i>International registration number:</i>	0837572
<i>Date of notification to OHIM:</i>	23-12-2004
<i>Name of the Holder:</i>	Oriando Wyndham Group Pty Ltd
<i>Trade Mark:</i>	JACOB'S CREEK

The opposition period has expired without any opposition or observations by third parties being filed and the above-mentioned mark is accepted for protection in the European Community.

Pursuant to Article 146(2) of the Community Trade Mark Regulation and Rule 116(1) of the Regulation implementing the Community Trade Mark Regulation, it shall have the same effect as the registration of a mark as a Community trade mark.

MORALES PAREDES, Juan Antonio
Examiner

TRADING STANDARDS SERVICE WITNESS STATEMENT

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2011 (Rule 27))

STATEMENT OF: **LUCAS MARSHALL**

AGE IF UNDER 18: **OVER 18**

This statement (consisting of 2 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 9th day of Jan 2012

Signature:L Marshall.....

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

Dated the day of2012.. ..

Signature:

A My name is Lucas Marshall. I am employed by Southampton City Council as a Trading
Standards Officer. On 31 August 2011, at approximately 10.00 am, I accompanied Trading
Standards Officer, Christine Hill to Londis, 48 Lodge Road, Southampton. I announced myself to
B the person behind the counter, who identified herself as Mrs Patel. I then assisted Mrs Hill in
the examination of alcoholic drinks, to ascertain whether they were illegal for sale: counterfeit
and/or non-duty paid. At approximately 10.25 am Mr Minesh Patel, the Premises Licence
C Holder arrived at the shop. I cautioned him. He said that he had bought a product called Arctic
Ice vodka, which was displayed for sale in the shop, about 8-12 weeks ago. He did not have
D footage of the delivery on his CCTV, as the system only records for 4 weeks. He described the
man that delivered the Arctic Ice to him as 48/49 years old, tanned, possibly Egyptian, he had a
moustache and was approximately 6' tall. He gave his name as Sim and had told Mr Patel that
he worked for ***** Cash and Carry. He had another man with him who was short, stocky,
E short grey hair, tanned and with a pock-marked face. Sim had a silver van with ***** Cash &
Carry written on the side. He had offered Mr Patel Arctic Ice vodka, Stella and Fosters lager,

Signature:L Marshall.....

ST1(1)HQ

PAGE NO: 2 CONTINUATION OF STATEMENT DATED:

BY **LUCAS MARSHALL**

A brandy and whisky. Mr Patel said that he purchased 12 cases of 70 cl bottles of Arctic Ice. He
paid £40 per case of 6 and sold it for £8.99 a bottle. Mr Patel said that he had met Sim on one
previous occasion when he had offered Mr Patel beer, but he had not bought any. He did not
have Sim's contact details, but said that he had been given a delivery note by Sim, which had an
B address in London. He said that he would provide this note by the following Monday, 5
September 2011. Mr Patel has not been able to supply that delivery note, and stated during
interview on 17 November 2011 that he had been unable to find it. Later during the visit I
examined bottles of Jacobs Creek wine, which appeared to be counterfeit due to spelling
C mistakes on the labelling. Mr Patel said that this had come from ***** in Brighton. At about
10.50 am I started searching the shop's storeroom. I found 7 bottles of Polish vodka which were
not UK duty stamped, namely 2 x Czysa, 2 x Zubrowka, 2 x Wyborowa, 1 x Krupnik. Mr Patel
said that they were his own and had been given to him by Polish people that he does favours
D for. I assisted Mrs Hill in the seizure of alcohol which we believed to be illegal. On 17
November I assisted Mrs Hill in the interview of Minesh Patel.

Signature:L Marshall.....

E

F

G

ST1(2)HQ

STATEMENT OF: **LUCAS MARSHALL**

HOME ADDRESS:

BUSINESS ADDRESS: **Southampton City Council. Trading Standards Service, 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**

WITNESS AVAILABILITY (Delete dates to be avoided)

Month of							Month of							Month of						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				
Month of							Month of							Month of						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

CONTACT POINT IF DIFFERENT FROM ABOVE:

ADDRESS:

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.

None

Dated the9th..... day of Jan..... 2012

SignedL Marshall.....

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r.27.2);

Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B

Statement of: Jodie McCombie
Age of Witness: Over 21 years
Occupation of Witness: Manager,
Brand Security Pernod Ricard

This statement (consisting of four 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.

Signed: Jodie McCombie Date:14/10/2011

I am Jodie McCombie, and I hold the appointment of Manager of Brand Security, Pernod Ricard. I have been so employed since 5th May 2009.

I report to the Vice President, Brand Security, Pernod Ricard who is the senior executive in charge of all matters relating to the security of Pernod Ricard's portfolio of brands. I am therefore authorised to speak on behalf of the company in this respect. Headquartered in Paris, France, Pernod Ricard is a leading global producer of premium branded beverages, operating in more than 190 countries and territories. I am based in Pernod Ricard's London office at Chivas House, 72 Chancellors Rd, London, W6 9RS. Pernod Ricard has global ownership and responsibility for all production, marketing and distribution of the Company's beverage alcohol brands.

One wholly owned subsidiary of Pernod Ricard is the Premium Wines Brands Pty Ltd, Australia and their subsidiary Orlando Wines, Australia. One of the

range of wines produced by Orlando Wines is Jacob's Creek Wines. One of my roles and responsibilities is the visual examination of my company's brands, including Jacobs Creek, to establish whether or not it is genuine product.

The mark 'Jacob's Creek' is a UK registered trade mark 1184628 held by Pernod Ricard Pacific Pty Ltd. I produce and identify a true copy of the registration and renewal certificates for Jacob's Creek UK National Trademarks in Class 32 and Class 33, and also EU Class 33 as exhibits JM/1, JM/2 and JM/3 respectively.

In January 2011 my company received a small number of consumer complaints regarding the apparent poor quality of wine in bottles of what appeared to be Jacob's Creek wines that had been purchased from independent retail outlets in the greater London area. Subsequent investigations by my department revealed the wine was counterfeit and that in December an unknown volume of counterfeit Jacob's Creek wines had been offered for sale to retail and wholesale outlets by persons as yet unknown. Analysis of the wine in the counterfeit bottles revealed no evidence of any potentially harmful material. However, the quality of the counterfeit wines is poor and an obvious difference to the genuine exists. The contents of the bottles is not Jacob's Creek wine, nor is the varietal description (eg Merlot, Chardonnay) accurate.

Since that time, and in a process managed by Pernod Ricard Brand Security, Trading Standards offices in the UK have been briefed on the presence of the counterfeit wine and advised on how to identify it during their inspections.

On 11 October 2011 Christine Hill of Southampton Trading Standards Service showed me the following items, which were marked with the Jacob's Creek trade mark:

Evidence seal: 03714060, resealed 03714086

7 bottles of Semillon Chardonnay

4 bottles of Semillon Sauvignon Blanc

1 bottle of Merlot

Evidence seal: 03714058, resealed 03714087

8 bottles of Semillon Chardonnay

8 bottles of Semillon Sauvignon Blanc

Evidence seal: 03714145

1 bottle of Semillon Chardonnay

1 bottle of Semillon Sauvignon Blanc

1 bottle of Cabernet Sauvignon

Evidence seal: 03714122

4 bottles of Cabernet Sauvignon

As a result of my examination of the aforementioned bottles I can confirm that they all bear a copy of the Jacob's Creek registered trade mark. A visual inspection of the products revealed they are inconsistent with products produced by Pernod Ricard. In particular, the labels reveal a series of spelling mistakes. The mistakes include, for example; "www.drinkaware.co.uk" is spelt "www.drinkoware.co.uk"; "Australia" is spelt "Austrlia"; "Responsibly" is spelt "Responsibily". The ROPP ("Roll On Pilfer Proof") closure is also inconsistent with genuine product as evidenced by the fact that the print detail and colour are not the same as the original. The ROPP closure is a tamper evident closure which provides a visual indicator when the closure has been opened as the cap separates from the bottom ring of the closure.

The above information enables me to state categorically that the examined bottles are counterfeit. Pernod Ricard does not authorise the use of the Jacob's Creek trade mark on products that are not genuine, therefore I can confirm that the above product bears the Jacob's Creek trade mark without the consent of the trademark holder.

The impact of counterfeit Jacob's Creek is potentially highly significant. Pernod Ricard invests a significant amount of effort and resources to ensure that all our brands, including our range of Jacob's Creek wines, are of premium quality and offer value to consumers. In addition, significant amounts are invested in

promoting these brands, to raise consumer brand awareness and understanding.

Counterfeiting of Jacob's Creek, or indeed any other wine or spirit brand, misleads consumers into purchasing poor quality products which do not meet our high standards or the expectation of the consumer. As the deception is often not obvious to the consumer, their quality perception of the product they have purchased will be attributed to the Jacob's Creek brand which is extremely detrimental to the reputation and brand equity of Jacob's Creek. The counterfeit products also take unfair advantage of the high levels of consumer awareness of the Jacob's Creek brand, which has been built by Pernod Ricard at significant cost.

Signed:

Jodie McCombie

Date: 14/10/2011



FOOD SAFETY ACT 1990

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

To: Christine Hill Southampton City Council, Civic Centre,
Southampton, Hampshire, SO14 7LY

I, the undersigned, Public Analyst for Southampton City Council, certify that on 01/09/2011 the sample marked:

<u>Date sample taken</u>	<u>Reference number, description etc.</u>	<u>Weight/measure</u>
30/08/2011	008911	700ml
0930	ARCTIC ICE VODKA 37.5%	

Place of Sampling: LONDIS, 48 LODGE ROAD, SOUTHAMPTON

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	:	35.0
Methanol g/100L alc	:	5.00
Propan-1-ol g/100L alc	:	0.80
Acetaldehyde g/100L alc	:	0.50

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 2.1% 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 1.8% volume less than the minimum permitted.

The analysis showed that the sample contained the congeners acetaldehyde and propan-1-ol. The higher alcohols: isopropyl alcohol, tertiary butyl alcohol and propylene glycol were also detected. Congeners and the higher alcohols are not normal constituents of vodka.

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.

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

Certified by me this 21st day of October 2011, at Southsea

Signature:



Name: Jenny A D Green
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.



FOOD SAFETY ACT 1990

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

To: Christine Hill Southampton City Council, Civic Centre,
Southampton, Hampshire, SO14 7LY

I, the undersigned, Public Analyst for Southampton City Council, certify that on 01/09/2011 the sample marked:

<u>Date sample taken</u>	<u>Reference number, description etc.</u>	<u>Weight/measure</u>
31/08/2011	008920	700ml
1000	SOBIESKI VODKA 40%	

Place of Sampling: LONDIS, 48 LODGE ROAD, SOUTHAMPTON

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	:	39.4
Methanol g/100L alc	:	0.70

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. 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.

The analysis showed that the sample contained the congeners acetaldehyde and propan-1-ol. The higher alcohol isopropyl alcohol was also detected. Congeners and the higher alcohols are not

normal constituents of vodka.

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

Certified by me this 21st day of October 2011, at Southsea

Signature:

Name: Jenny A D Green
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.

Summary of results of tests on alcohol seized 31 August 2011:

Product	Size	Number of bottles	Results of analysis/examination
Prince Consort Vodka	1L	3	Confirmed counterfeit product by brand holder. Poor spirit quality and reduced alcoholic strength.
Prince Consort Vodka	35cl	28	Confirmed counterfeit product by brand holder. Poor spirit quality and reduced alcoholic strength.
Arctic Ice Vodka	70cl	45	Alcoholic strength lower than declared. Statutory information absent from label. Analysis shows contains constituents not normally found in vodka. Non genuine UK duty stamp
Sobieski Vodka	70cl	6	Analysis shows contains constituents not normally found in vodka. Non genuine UK duty stamp.
Jacobs Creek assorted wines	75cl	35	Confirmed counterfeit product by brand holder.
Wyborowa Vodka	70cl	2	No UK duty stamp.
Zubrowka Bison Grass Vodka	70cl	2	
Czysta de Luxe Vodka	70cl	2	
Krupnik Vodka	70cl	1	
Sambuca del Lago	70cl	5	Confirmed genuine product and duty paid. These products returned to the retailer.
Lazzaroni Infiniti Nero	75cl	1	



Ref No Application G90

Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

I PC 24288 HARRIS, 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 of a club premises certificate.
(Select as applicable)

Premises or Club Premises details

Postal address of premises:	Londis News 48 Lodge Road Southampton
Postcode (if known):	SO14 6RJ

Name of premises licence holder or club holding club premises certificate (if known)
Minesh Patel

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

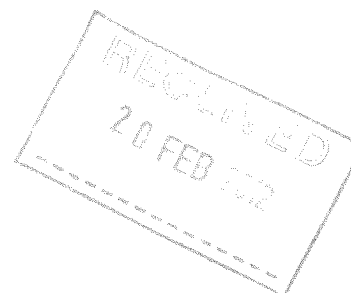
Details of responsible authority applicant

Mr Mrs Miss Ms Other title / Rank: PC

Surname: HARRIS First Names: Jon

Current postal address :	Southampton police station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380 674768
E-mail address: (optional)	

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





**Application for the review of a
Premises licence or Club Premises certificate
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
- 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 for Hampshire Constabulary, I am writing to support an application submitted by Trading Standards, concerning counterfeit and non-UK duty paid alcohol that was found on the above premises. In addition to the conditions proposed by Trading Standards, I seek to add the following condition to the premises licence:

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.

CCTV warning signs to be fitted in public places.

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.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

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.

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.

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.



**Application for the review of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Southampton Police Licensing Unit.

Police have considered the application submitted by Trading Standards and note the seriousness of the criminal offences committed, including counterfeit alcohol and non-UK duty paid alcohol in possession for sale. The premises is failing in its duty to support the licensing objectives and in particular, prevention of crime and disorder and public safety. As clearly highlighted by Trading Standards, counterfeit alcohol is of an increasing problem in the UK and poses a huge risk to the general public because the contents are unregulated and can be dangerous, even poisonous. The illicit trade has a detrimental impact on legitimate retailers who have to compete against counterfeit traders.

The CCTV condition proposed, we feel would complement the conditions already put forward by Trading Standards and would ensure the promotion of the licensing objectives. I note on page 5 of 9 of annex A (review submitted by Trading Standards) that the designated premises supervisor admitted to buying 45 bottles of Arctic Ice Vodka from a man with a van that went to his shop. Illicit traders clearly attend the premises and in order to promote the prevention of crime and disorder, the CCTV condition would be proportionate in addressing this matter and could assist in identification of offenders.

In addition to illicit traders, you will see from annex B, C and E that the DPS has not been able to produce a copy of CCTV footage upon request. The first visit to the premises was on 13/12/11 and yet the DPS has only produced footage on disk on 16/02/12. A condition for CCTV would provide guidance to the DPS and should ensure that these circumstances do not rise again.

Have you made an application for review relating to these premises before: Yes | No

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

Please tick

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

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



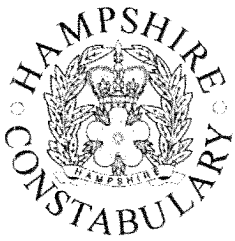
Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

Signature of Officer Completing

Name PC HARRIS Collar Number: 24288
Signature: Date: 16/02/12

Signature of Authorising Officer (Inspector or above)

Name John McGonigle Collar Number: 1399
Signature: Date: 20/02/12



Hampshire Constabulary
Chief Constable Alex Marshall

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

Southampton Central Police Station
Southern Road
Southampton
Hampshire
SO15 1AN

Telephone: 0845 045 45 45

Our ref:
Your ref:

Deaf/speech imp:
Email: southampton.licen:

16th February 2012

Dear Sir,

I have submitted the following application to review the premises licence for Londis, 48 Lodge Road, Southampton in support to an application submitted by Trading Standards on 23rd January 2012.

As a licensee under the Licensing Act 2003 they have a duty to promote the four licensing objectives which are-

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

Hampshire Constabulary believes that they have failed to take the necessary steps to promote the prevention of crime and disorder and public safety. As a result, I submit this application. I enclose the evidence for your records.

Yours faithfully

PC 24288 Harris
Violent Crime Reduction & Licensing Department

Trading Standards Service
Southampton City Council
Civic Centre
Southampton SO14 7LY



Direct :
Fax:
Email:

Please ask for: Christine Hill
Our ref: 11/01408/TMA
Your ref:

23 January 2012

Southampton Licensing Unit
Hampshire Constabulary
Southern Road
Southampton
SO15 1AN

Dear Sir/Madam

Licensing Act 2003

Please find enclosed an application for the review of the premises licence relating to the following Premises Licence Holder:

Minesh Patel
T/A Londis, 48 Lodge Road, Southampton, SO14 6RJ
Premises Licence No. 2010/01591/01SPRD

Yours faithfully

Christine Hill
Trading Standards Officer

If you require this letter or future correspondence from us in a different format (e.g. tape, Braille, or disc) please do not hesitate to let us know.

SOUTHAMPTON CITY COUNCIL

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Southampton City Council Trading Standards Service

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Londis, 48 Lodge Road, Southampton, SO14 6RJ	
Post town Southampton	Post code (if known) SO14 6RJ
Name of premises licence holder or club holding club premises certificate (if known) Minesh Narendra Patel	
Number of premises licence or club premises certificate (if known) 2010/01591/01SPRD	

Part 2 - Applicant details

I am

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

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Christine Hill Trading Standards Service Southampton City Council Civic Centre Road Southampton SO14 7LY
Telephone number (if any) 023 8083 4931
E-mail address (optional) christine.hill@southampton.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

The Prevention of Crime and Disorder
Public Safety

On 31 August 2011, during an inspection at Londis, 48 Lodge Rd, Southampton I found counterfeit and non-UK duty paid vodkas in possession for sale.

Counterfeit and non genuine 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 either copies of an existing brand of vodka, or packed and labelled as a brand of vodka which does not exist. 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. There are therefore public safety issues with the sale of such vodka.

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". Appropriate duty would not have been paid on the counterfeit vodka.

Also found on 31 August were a number of bottles of counterfeit Jacobs Creek wines.

Trading Standards Officers have been aware of counterfeit Jacob's Creek wines on the market since December 2010. The counterfeit wine is not known to be harmful,

but it is of poor quality and is inferior to the genuine product. The identifying features of the counterfeit wines are not immediately obvious to a purchaser, being spelling mistakes on the rear label of the bottle and differences in the closure. Genuine Jacob's Creek wines typically retail at around £8 per bottle, so purchasers of the counterfeit product are paying a premium for wine which is not of equivalent quality.

Meanwhile the producers and retailers of the genuine product are losing out economically, including loss of repeat sales by purchasers who do not like the inferior counterfeit version but believe it to be the genuine product.

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". It is highly unlikely that duty would have been paid on the counterfeit wine.

It is considered that the holder of the premises licence has not fulfilled the duty under the Licensing Act 2003 to prevent crime and disorder and 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 objectives.

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

The business which trades as Londis at 48 Lodge Road, Southampton, SO14 6RJ is KN Enterprise Ltd. Mr Minesh Narendra Patel is the company director of KN Enterprise Ltd. He lives at 48 Lodge Road and has run the shop since May 2010. He is the Designated Premises Supervisor and Premises Licence Holder at the premises and does all the buying of stock for the shop.

In October 2010 KN Enterprise accepted a simple caution for under age sale of alcohol. It came to light during this investigation that Mr Patel had not applied to transfer the licence at the shop.

A complaint was received at this department on 26 August concerning the quality of some vodka purchased at Londis. A visit was made to the shop on Wednesday 31 August 2011, when a total of 130 bottles of wines and spirits were seized as they were suspected of being counterfeit. These were subsequently examined or sent for analysis and a schedule of the seizures and results is attached. Six bottles were found to be genuine and were returned to Mr Patel.

Mr Patel attended an ARI on Thursday 17 November. He had been asked to produce invoices showing where his wines and vodkas came from but for most was unable to provide any. The products concerned were:

Assorted vodkas (7 bottles) – these were genuine Polish product, but non UK duty paid. He claims they were presents from customers and were being kept in his storeroom for his own use.

Jacobs Creek wines (35 bottles) – although he claims to sell a lot of this when he can get it on offer, and that he buys it from Palace Drinks, Eastleigh Cash and Carry and the Londis depot at Andover, he has not produced any receipts.

Sobieski Vodka (6 bottles) – he has produced a receipt from ECC for the purchase of 6 bottles in November 2010. Even if this were a slow seller, it seems unlikely that none would have sold over that time. The bottles seized are also two different types of bottles, and it is unlikely they are from the same batch.

Prince Consort Vodka (31 bottles) – he produced a receipt showing the purchase of a total of 54 bottles of this vodka, from Eastleigh Cash and Carry in July 2011, which would tie up with the stock found. This has been referred to Hampshire TS for investigation.

Arctic Ice Vodka (45 bottles) – he admits to buying this from a man with a van who came to his shop, and says that he has no receipt for it.

Mr Patel was aware that there are known problems at the present time with counterfeit and fake spirits and wines, but still purchased a large quantity of spirits from an unknown trader. He carries a large amount of stock, suggesting a rapid turnover of products, but still failed to produce any believable traceability for most products. He has been in the off licence business for a number of years, yet keeps non duty paid spirits in his stockroom. It is difficult to tell whether he has knowingly purchased illegal spirits and wines, but if not, there are a number of simple checks and precautions he could have carried out to avoid having all the illegal alcohol in his shop

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, for a period of 24 months, complete records, such as invoices, receipts and delivery notes, relating to alcohol and cigarettes 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 and cigarettes present at his premises "

- I would also ask that the licence is suspended for a period of 3 months, as a deterrent to committing further such offences.

Have you made an application for review relating to this premises before **Please tick yes**

If yes please state the date of that application

Day Month Year

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

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

N/A

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....

Date

23/1/12

.....

Capacity Trading Standards Officer

.....

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

Christine Hill
Trading Standards Service
Southampton City Council
Civic Centre Rd

Post town
Southampton

Post Code
SO14 7LY

Telephone number

If you would prefer mail address (opti

e-mail address your e-
k

Notes for Guidance

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

Summary of results of tests on alcohol seized 31 August 2011:

Product	Size	Number of bottles	Results of analysis/examination
Prince Consort Vodka	1L	3	Confirmed counterfeit product by brand holder. Poor spirit quality and reduced alcoholic strength.
Prince Consort Vodka	35cl	28	Confirmed counterfeit product by brand holder. Poor spirit quality and reduced alcoholic strength.
Arctic Ice Vodka	70cl	45	Alcoholic strength lower than declared. Statutory information absent from label. Analysis shows contains constituents not normally found in vodka. Non genuine UK duty stamp
Sobieski Vodka	70cl	6	Analysis shows contains constituents not normally found in vodka. Non genuine UK duty stamp.
Jacobs Creek assorted wines	75cl	35	Confirmed counterfeit product by brand holder.
Wyborowa Vodka	70cl	2	No UK duty stamp.
Zubrowka Bison Grass Vodka	70cl	2	
Czysta de Luxe Vodka	70cl	2	
Krupnik Vodka	70cl	1	
Sambuca del Lago	70cl	5	Confirmed genuine product and duty paid. These products returned to the retailer.
Lazzaroni Infiniti Nero	75cl	1	

Working Sheet

Hampshire Constabulary

Printed: 16/02/2012 11:05 by 24288

Occurrence: **44090026435 Z Prem Licence (Management Occurrence)**

Author: #3555 MARSHMAN, I.

Report time: 16/12/2011 23:00

Entered by: #3555 MARSHMAN, I.

Entered time: 16/12/2011 23:00

Remarks: 13/12/11 Visit PC Blandford

As above- premises did not have page 2 of their licence up. They do now. The DPS couldn't operate the cctv (i.e produce a disc) . It was apparently a stand in unit. They will be getting a new system in in January 2012. Large amount of cameras.

No training records, no incident book.

They are happy to do bottle marking and are interesting in joint meetings with Maya to ensure both don't serve those that are abusive or trouble some. MP Blandford will be addressing this.

I suggested a ring round system.

This premises needs a full visit from PC Harris with a up todate letter.

PS3555 MARSHMAN

Working Sheet

Hampshire Constabulary

Printed: 16/02/2012 11:05 by 24288

Occurrence: **44090026435 Z Prem Licence (Management Occurrence)**

Author: #24288 HARRIS, J.

Report time: 03/02/2012 13:09

Entered by: #24288 HARRIS, J.

Entered time: 03/02/2012 13:09

Remarks: Spring clean visit

CCTV - a new system was installed 1 week ago. 9 cameras installed which provide good quality pictures. System has 4tb hard drive so should retain footage well over 30 days. Minesh did not know how to produce footage on to disk yet and i asked that he learns. Task sent to karen asking that she returns at a later date to obtain footage. I have told Minesh that we will do this.

Incident Book - Did not have an incident book at time of visit. I explained the positives of having one -recording thefts and other incidents etc. and manual record of refusals.Minesh advised he would start this from tonight.

Refusals log - This is recorded by the till included date/time/member of staff and id checked. Minesh will also record manually from tonight.

Due diligence - Minesh advised he has old training records and they need updating. He stated he did training every 6 months but had nothing to show me in the shop. He asked if i could send any info to him. I have sent the following link: <http://www.icap.org/LinkClick.aspx?fileticket=QmsJ586LB4Q%3D&tabid=111>

I advised that this contains general information but he should look to produce his own training package.

Age verification policy - Challenge 25. This is on the till and poster on display.



Hampshire Constabulary
Chief Constable Alex Marshall

Minesh Patel
 Londis
 46 Lodge Road
 Southampton
 SO14 6RJ

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

Telephone: 0845 045 45 45

Our ref: 44090026435

Your ref:

Deaf/speech
Email: southampton

7th February 2012

Dear Sir,

This letter is with regard to our meeting on the 3rd February January 2012 at Londis. At the meeting a number of issues were discussed and are summarised on the attached sheet.

As you are aware, Southampton Police are committed to working with the licensees in promoting the four licensing objective i.e. –

- The prevention of crime & disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

As discussed, the police consider that further measures could be taken to ensure the licensing objectives are actively being promoted. I suggested to you a number of implementations for you to consider, which would assist you. The Licensing Unit will continue to monitor the premises and further visits will be conducted in order to check that these measures have been brought into operation. Should we get incidents and the measures have not been introduced, then we would look to take the matter further and this could be by a review of the premises licence.

Yours faithfully

PC 24288 Harris
 Violent Crime Reduction & Licensing Team
 Southampton Central Police Station



Hampshire Constabulary Chief Constable Alex Marshall

Meeting at Londis 3rd February 2012

CCTV

Police - The current system is new and of good quality. You advised that it is capable of retaining footage for over 30 days. At the time of the visit, you did not know how to produce a copy onto disk as it had only been installed a week ago. We will aim to revisit you in two weeks time. Please ensure that you are able to copy recorded footage to disk.

Incident book & refusals log

Police – Recommended the use of a diarised book to log incidents. This should include incidents of physical altercation or disorder, thefts or refusals. The incident should include an account of the incident and the identity of those involved (or descriptions if not known). The date and time of the incident should be recorded by the author and signed by them. If there are no incidents then this should also be recorded.

Venue – You advised that you would be happy to start using this book from the evening of my visit.

Due diligence training

Police – You advised that you did have training records which were very old, but not available for me to see on request. I explained during my visit the importance of having such a training package and conducting refresher training with staff on a 6 monthly basis. I have emailed a 30 page document to you and advise that you take from this the information you feel relevant and form your own training package.

Venue – you advised that you would immediately look to update your training once in receipt of the documents.

Working Sheet

Hampshire Constabulary

Printed: 16/02/2012 11:06 by 24288

Occurrence: **44090026435 Z Prem Licence (Management Occurrence)**

Author: #24288 HARRIS, J.

Report time: 16/02/2012 09:19

Entered by: #24288 HARRIS, J.

Entered time: 16/02/2012 09:19

Remarks: Attended londis to collect CCTV/refusals log

I attended this morning at 0900 as above. I spoke with the DPS who advised that he did not get the chance to complete my request yesterday afternoon like we agreed.

I have passed the DPS my contact details and requested that he brings the items to SC this afternoon.

I have now informed him that we will be supporting Trading Standards with their application for review regarding counterfeit alcohol.

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Agenda Item 8



Reference: 2012/00065/01SRAP

Hearing:

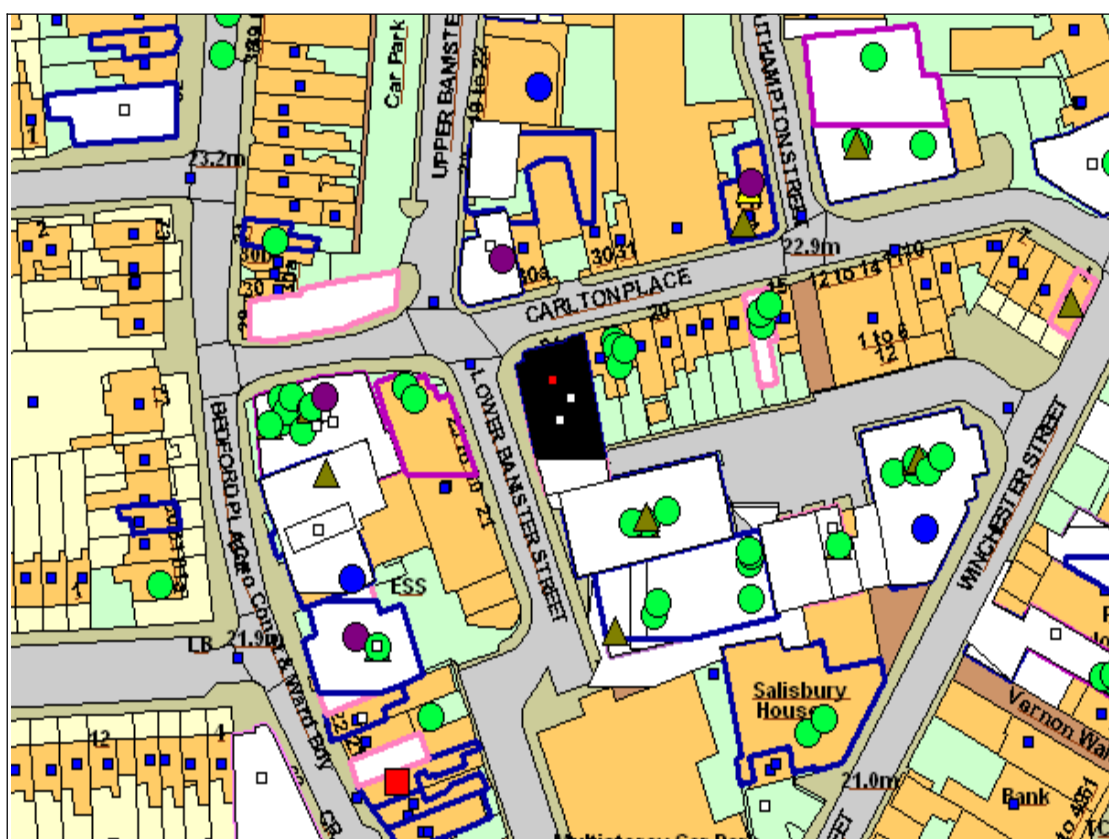
8th March 2012

Application for Review of Premises Licence

Premises Name: 90 Degrees At Carltons
Premises Address: 24 Carlton Place
Southampton
SO15 2DY

Application Date: 10th January 2012
Application Received Date: 12th January 2012

Application Valid Date: 12th January 2012



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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	No response received	
Planning & Sustainability - Development Control - Licensing	No response received	
Police - Licensing	No	
Trading Standards - Licensing	Yes	

Other Representations

Name	Address	Contributor Type
None Received		

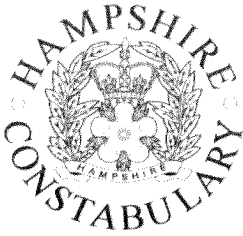
Legal Implications

1. Part 3 of the Licensing Act 2003 provides that a responsible authority of a resident or business in the vicinity (interested party) may apply for review of a premises licence.
2. The grounds of review applications must relate to one or more of the licensing objectives.
3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.
4. On receipt of the application for review, the officers will consider its validity, under delegated powers. Reasons for rejection, in whole or in part, include:
 - that the grounds for review are not relevant to one or 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 make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
11. Copies of the application for review and the Police objection are annexed to this report.
12. The sub-committee must also have regard to:-
13. *Crime and Disorder Act 1998*

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

The Act requires UK legislation to be interpreted in a manner consistent with the

European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which 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 City Council
Licensing Team
Southbrook Rise.
4-8 Millbrook Road East,
Southampton.
SO15 1YG

Southampton Central Police Station
Civic Centre
Southampton
Hampshire
SO14 7LG

Our ref:
Your ref:

Telephone: 0845 045 45 45

Direct 8

Fax 7

Deaf/speech impaired minicom: 01962 875000

Email: j hampshire.pnn.police.uk

12th January 2012

Dear Sir,

On behalf of Hampshire Constabulary, I submit the following application for Ninety Degrees, 24 Carlton Place, Southampton, in order to review their license.

The premises in question is situation in a cumulative impact zone in which you as a council have recognised and implemented into your policy. The cumulative impact policy was introduced by you because of the key findings and recommendations of the police's report. It identified that there were three areas in which there is a record of violent offending that is disproportionately high in terms of the city as a whole. It identified the following-

- The peak times for violence are in keeping with peak times for the night-time economy
- Each of these locations record an above average level of offences flagged as having been influenced by alcohol.
- In terms of offences where a premise is directly involved, all three locations record multiple offences.
- The overall trend with regard to these offences is either steady or upward.
- Both the Above Bar and Bedford Place/London Road areas also record a disproportionately high level of criminal damage.

Following this report, Southampton City Council took the responsible action of implementing a policy covering the three areas of concern to be used as a tool to control violent crime and alcohol related offending. As I am sure your aware your own statement of licensing policy states that under the Licensing Act 2003 you have a duty to promote the four licensing objectives which are-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance and



Hampshire Constabulary
Chief Constable Alex Marshall

- The protection of children from harm

Further to this, Section 17 of the Crime and Disorder Act 1998 imposes an obligation on every police authority and local authority to do all that it can to reasonable prevent –

- crime and disorder in its area including anti-social and other behaviour adversely affecting the local environment; and
- the misuse of drugs, alcohol and other substances in its area).

Therefore, I submit this application to review the licence of Ninety Degrees.

Yours faithfully

PC 24288 Harris

Violent Crime & Licensing Department



Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

- 1) The prevention of crime and disorder [X]
2) Public safety [X]
3) The prevention of public nuisance []
4) The protection of children from harm []

Select one or more boxes

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

This review is brought by Hampshire Constabulary as a responsible authority under the Licensing Act 2003. The premises licence for Ninety Degrees was only reviewed on 6th October 2011, due to a number of issues concerning the management of ninety degrees. A serious incident occurred at the premises involving door staff on 19th November 2011, which reiterates police concerns.

On the basis of the evidence outlined below, Hampshire Constabulary would wish to achieve the following:

- 1) The current designated premises supervisor (DPS) is removed as DPS.
2) Revocation of licence

In summary, the police evidence to support this application is as follows:

On 19th November 2011 at 22:40 hours, Inspector Bates who was on foot patrol, heard via the Licensing Link radio that there was a dispute between door staff and 3 males at the rear doors of Ninety Degrees and this involved one of the males swinging a chair around. Ninety Degrees are also members of Licensing Link and have radios in their possession, but this incident was not reported by them, but by another venue. On the night, this incident was not attended by police, as a short time after the initial report, police were updated that the males had walked away and the incident was over.

On 22nd November 2011, PC 24191 Wood attended Ninety Degrees on the request of Inspector Bates in relation to the above incident. PC Wood met with the DPS and viewed the incident book and the incident sheets in relation to 19th November 2011. The incident was recorded in the incident book timed at 2245 hours. This was a one line entry and said something similar to "3 males intoxicated being rude and aggressive rear exit - (names of door staff also listed). PC Wood noted that all the other incidents that had been recorded on the night had all been entered with more detail, including whether persons had been refused entry, or were ejected from the premises. The entry for this incident gave no indication as to what had happened and the DPS was informed this was unsatisfactory. The DPS explained that he was present during the incident and there was nothing to record. There had been no



Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

I PC 24288 HARRIS, 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 of a club premises certificate.
(Select as applicable)



Premises or Club Premises details

Postal address of premises:	Ninety Degrees 24 Carlton Place Southampton
Postcode (if known):	SO15 2DY

Name of premises licence holder or club holding club premises certificate (if known)
Carltons (Bar And Restaurant) Ltd

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

Details of responsible authority applicant

Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC
Surname: HARRIS	First Names: Jon
Current postal address:	Southampton police station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380 674768
E-mail address: (optional)	

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



**Application for the review of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

physical force and therefore his staff had acted accordingly. The DPS confirmed the males were ejected, but PC Wood was concerned at the lack of clarity regarding this incident so requested to view CCTV from 22:40 hours. The DPS kept saying to play CCTV from 22:45 hours and PC Wood kept correcting him. The footage was started from just after 22:36, which was viewed by both DPS and PC Wood.

The footage clearly shows 3 males being ejected from the rear doors of the premises and the door staff returns inside. At this point the footage was stopped by the DPS and he advised that no physical force appeared to have been used. PC Wood requested to continue viewing the footage as the time on the CCTV had not reached 22:40 hours, which is when the incident was reported by Licensing Link. On further viewing, the three males that are ejected, one is seen to walk back to the closed rear door with a beer barrel in his hand and throw it at the door twice. The same three doorman that originally dealt with the males then came back out and two make their way very quickly up towards the end of the road where the males are now located. The third member of door staff picks up the metal beer barrel, runs to catch up his colleagues, lifts the barrel to head height and throws it between his two colleagues towards the three males. It appears on the footage that the barrel may have just caught the foot of one of the males that was running away.

The door staff is seen at the end of the road for a few minutes before the head doorman comes outside shortly followed by the DPS. A few moments later, all door staff return to the door where there is a conversation and ends with one of the males originally ejected from the premises, shaking hands with a member of door staff. No details are taken of the persons involved and no yellow cards were issued.

The DPS became very angry regarding the incident as it transpired that he and the head doorman were told by their staff that this was a minor incident. The DPS had not been present during the incident as he earlier advised PC Wood and the details recorded regarding the incident, did not truly reflect on what had happened. PC Wood arranged to collect a copy of the CCTV footage and when she returned learned that the door man responsible for throwing the metal beer barrel had been dismissed.

Therefore, as on the 29th May 2011, when a similar incident occurred, a violent offender has been allowed to leave the premises and wander off into the Bedford place area who could possibly assault other members of the public. The offender was never located and this clearly does not support the licensing objectives. Furthermore at the previous review, the panel were told and we were assured that they have a new head doorman and new policies in place so this poor practice would not happen again.

On the 2nd December 2011, PS Marshman held a meeting with the DPS and the owner of the security firm that supply the venue with door staff. Further concerns came to light including the incident log, (which was just one small line) had been signed off by the head doorman. In the previous review, the DPS was advised that the manager should sign the incident book at the end of each night following a de-brief with the door team. The condition was suggested in order for him to ensure he is aware of what has gone on each night.



**Application for the review of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Police now had a suspect for a public order offence, but no details had been recorded of the ejected males. The DPS advised that the other two doorman had been spoken to and one advised he didn't see the incident and the other admitted that he did see it, but didn't tell the DPS or head doorman. Both these door staff are still working at the premises even though they have deceived the DPS. The doorman responsible for throwing the barrel was interviewed by police and received an adult caution for a public order offence.

PS Marshman viewed the rear outside area of the premises on 01/12/11 and found there to be gas bottles, pallets, lumps of wood with nails poking out, glass bottles and a pole all outside the rear door. The bins outside the rear door although lockable were not locked and full of glass bottles. It was explained how much of a risk this was with door staff ejecting persons out the rear door. Despite the incident on 19th November 2011, the area had not been cleaned up and people were still being ejected via the rear door. During the meeting, the owner of the security firm also advised that he had walked around the outside area with the DPS and had started a risk assessment. This occurred on 24th October 2011 and the beer barrels and poles outside the rear door were highlighted as a hazard by the door company to the DPS. The DPS admitted that he was aware of this and advised that he had sat down with the security owner to discuss the hazards. Although the DPS was aware of the hazards, they were still ejecting persons out of the rear doors, which then resulted in the incident on 19th November 2011.

On 17/12/11, PS 3555 Marshman attended the premises with three Hampshire Fire and Rescue representatives. They went to the rear of the premises and found that the fire exit was partly blocked by a rubbish bin on its side. Other bins were wide open and one was half full with glass bottles and whilst inspecting, a person was ejected out the back of the property despite all these dangers being in the vicinity.

During the visit the door staff could not advise how many people were in the premises for about 15 minutes. As PS Marshman and the fire officers walked through the club to the rear fire exit, two fire doors were found propped open where a large number of wooden and fabric chairs were being stored. These were within a matter of feet of the fire exit and the fire officers explained that it was a fire hazard and should be moved immediately. The door man moved them with the DPS and put them outside the fire exit. They then later had to move them again having blocked outside the fire exit.

During the visit the DPS was advised that the doors from the upstairs bar and dance area, leading down to Lower Bannister Street had bolts on them that could be flipped down and locked by anyone. These doors lead to the fire escape and if locked in an emergency would prevent the public from evacuating the building. Additionally, the fire exit itself which opens to Lower Bannister Street opened inwards, which could have serious implications if there were to be a fire.

The DPS was asked by fire officers to produce the premises fire risk assessment. Initially it could not be located, but when the DPS did produce an A4 sheet which contained tick box information, fire officers stated this was not adequate. They further advised the DPS that it was the responsibility of the venue to have a suitable risk assessment and that any competent risk assessor would have picked up on these issues.



Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

It is evident that not only was the DPS aware of the potential problems concerning these hazardous items being left outside, as outlined in the door companies risk assessment, but nothing was done to remove the hazards even after the incident occurred. These clearly evidence police concerns about the management of the premises, which was highlighted by police in the previous review. A number of the same concerns including poor practice by door staff, poor procedures, and poor incident book entry still exist, despite reassurances at the previous review that the matters would be addressed. This is the third review of the premises licence, the last two have been in relation to glass related assaults, high levels of drunks coming from the premises and concerns in the management.

Have you made an application for review relating to these premises before: [X] Yes | [] No

If yes please state the date of that application: 19 / 07 / 2011
Day Month Year

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

The last review was submitted in relation to the high number of drunks coming from the venue. A female was so drunk on the premises she had to be resuscitated in the toilets. A female under the age of 18 also seriously broke her leg in the venue after managing to get in. Police highlighted a number of failings by management and the panels decision is currently being appealed by the venue.

The first review was submitted in relation to a high number of assaults occurring at the venue where bottles or glass receptacles had been used by the offenders. Over a 16 month period there were 7 incidents. The review paperwork was submitted the the council, but both parties came to an agreement negating the need for a hearing.

Please tick

[X] I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

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 PC HARRIS Collar Number: 24288
Signature: Date: 10/01/2012

Signature of Authorising Officer (Inspector or above)



**Application for the review of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Name

INSP Doug Ashman

Collar Number:

3427.

Signal

Date:

12/1/12

PROTECTIVE MARKING (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 of: Philip Bates

URN: | | |

Age if under 18: (if over 18 insert 'over 18')

Occupation: Police Inspector

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.

Signat

Date: 24/11/11

Philip Bates

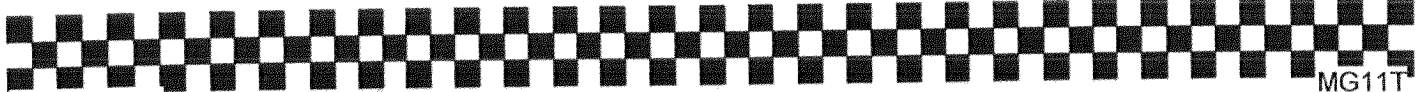
Tick if witness evidence is visually recorded (supply witness details on rear)

At 2240 hours on Saturday 19th November 2011 I was on duty heading off from Southampton Central Police Station to conduct foot patrol in the city centre. I had with me a Licensing link radio, this radio is the system used by members of the city pub watch group and is linked to various partners including CCTV. The police have a number of the radios as well.

At 2240 I heard a message on the radio from POP, a bar in Vernon Walk, Southampton. They stated door staff from 90 Degrees were dispute with 3 males at their rear doors and this involved one of the males swinging a chair around. I was intrigued as it was not 90 Degrees that called this in. I made a note in my pocket note book concerning this at the time. After a short time it was reported the men walked off and the incident was over.

Signed : Philip Bates

Signature witnessed by :



PROTECTIVE MARKING – For Police and Prosecution Only

Witness contact details

URN: | | |

Home Address: Central police Station, Southern Road, Southampton

Post Code : SO15 1AN

Home Telephone No: 08450454545

Work Telephone No:

Mobile / Pager No:

Email address:

Preferred means of contact (specify details):

Best time of contact (specify details):

Gender: male Date and Place of Birth: 23/05/1959 Devon

Former name: Ethnicity Code: 1 Religion / Belief: C of E

DATES OF WITNESS NON-AVAILABILITY:

Witness Care

- a) Is the witness willing and likely to attend court? If 'No', include reason(s) on form MG6. Yes No
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit MG2 with file. Yes No
- d) Does the witness have any particular needs? Yes No
If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to the police - what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice): Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable e.g. child care proceedings, CICA: Yes No N/A
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support. I consent to this:
I do not consent to this:
I wish to decline their services:

Signature of witness: _____ PRINT NAME Phil Bates

Signature of parent or appropriate adult: _____ PRINT NAME _____

Address and telephone number if different from above: _____

Statement taken by: Self Station: SC
Time and place statement taken: 0900 SC



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 of: PC BETHAN 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: _____ Date: 23/11/2011

PC BETHAN WOOD

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC 24191 Bethan Wood of Hampshire Constabulary currently stationed in the Violent Crime & Licensing Team for Southampton Central Police Station. This statement relates to my attendance at a licensed premises – 90 DEGREES, 24 CARLTON PLACE, SOUTHAMPTON on 22nd November 2011.

On 22nd November 2011 I was on duty in full uniform. I had been asked to attend 90 DEGREES in order to follow up a concern raised by Inspector BATES regarding an incident on Saturday 19th November. The information I was in possession of was simply that another premises had called up on the Licensing Link radio (a radio system that links licensed premises in the city centre with each other and the CCTV control room) that door staff at 90 DEGREES were involved in a scuffle with three males at the rear of the premises. My intention was to view the incident log book for the premises in order to establish what had occurred.

I attended the premises at 2200hrs and met the Designated Premises Supervisor, Nikolas RAFTOPOULOS (Nikos) at the main entrance. I know Nikos having met him on several occasions in the past. I explained what I needed to see and accompanied him upstairs to the office. He got out the incident book and pulled out all the sheets relating to the 19th November. On the front sheet, which is effectively a log of incidents which happened during the evening, towards the top of the list was one timed at 2245hrs. This was one line long, and read something similar to

"3 males Intox being rude & aggressive rear exit DOOR STAFF"

I briefly looked at other entries made that night and noticed that other entries had all detailed whether persons had been refused entry, or were being ejected from the premises – the entry for this incident gave no indication as to what had happened. I told Nikos that this was unsatisfactory. Nikos instantly jumped to the defence of his staff and started saying that he had been present at the incident and there was nothing to record, there had been no physical action and therefore his staff had done the right thing. Nikos confirmed that the males had been ejected from the premises.

Signed : _____ Signature witnessed by : _____

PC BETHAN WOOD

HAMPSHIRE CONSTABULARY



(en complete)

WITNESS STATEMENT

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

Continuation of Statement of: PC BETHAN WOOD

I was concerned at the lack of clarity of the log, and the speed at which Nikos jumped to the defence of his door staff. To satisfy myself that there was nothing missing from the log I asked to view the CCTV for 2240hrs. Nikos agreed.

Despite having asked to view 2240hrs, Nikos kept saying "SO, 2245 HOURS, LETS SEE" I corrected Nikos each time he said this and he did start footage at just after 2236hrs.

We watched together three males being ejected from the rear doors of the premises and door staff returning inside. As Nikos had said, no physical force appeared to be used. He stopped the recording, and went back to his incident book. He looked through all the other papers for the evening, which included more detailed entries by various members of door staff for other incidents, but none related to this. I asked that we continued to view the footage as the clock hadn't reached 2240hrs at the point that he stopped it. Nikos did do this. What I saw on the footage shocked me.

The footage clearly shows one of the three males who had been ejected come back and twice throw a metal beer barrel against the rear door. The three door staff who had originally dealt with the males come back out. Two make their way very quickly to the end of the road where the males now were. However, at almost exactly 2240hrs one member of door staff picks up the metal beer barrel, runs to catch up with his colleagues, lifts the barrel to above head height and throws it, between his colleagues, towards where the three males are. It appears on the footage that the barrel connects with the feet of one of the males. This member of staff then goes to a row of wheelie bins and moves one. I thought for a minute that he was going to throw this. However, thankfully he just moved the bin and then walked to where his colleagues were. The staff are seen on footage to be there for a few minutes before the head door man, who I know to be Dan CURTIS arrives, closely followed by Nikos.

A few moments later all members of staff return to the door. They are seen to have conversation of some sort, and conclude with one of the members of door staff shaking the hand of one of the males originally ejected from the premises.

It took a while for Nikos to really react to the footage that we had watched, but he slowly became incredibly angry. Dan CURTIS the head door man was called up to the office. It then transpired that both Dan and Nikos had been told by their staff that it was a minor incident. Nikos, had clearly not been present, as he had originally advised. Dan advised me that he had told ~~DOORMAN~~ member of door staff who he identified to me as throwing the barrel at the customers, to write the incident up in the incident book. Dan expressed his concern that the entry was clearly inadequate, and stated clearly that he was not happy having behaviour like that on his team. When I asked Dan why the incident wasn't called up on Licensing Link radio by himself he told me that he believed he had, but that it would only have been what he knew of the incident – three males ejected for being drunk and recommending no entry to other premises.

Signed : PC BETHAN WOOD

Signature witnessed by : _____



HAMPSHIRE CONSTABULARY

[redacted] (then complete)

WITNESS STATEMENT

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

Continuation of Statement of: PC BETHAN WOOD

I agreed that I would return later to collect the CCTV and then left Dan and Nikos discussing the appropriate course of action.

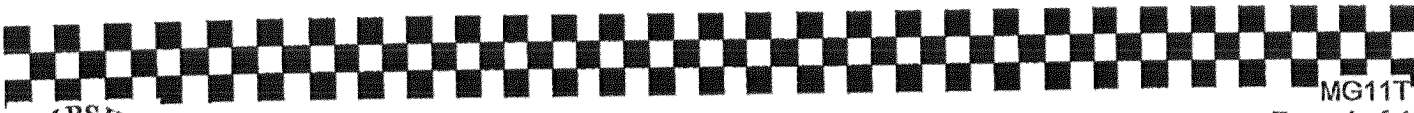
When I returned at about 2245hrs Nikos, Dan CURTIS, and another male, who I know as Adam WYNDER, who is area manager for Securidoor were in the office. I was advised that [redacted] DOOR MAN had been dismissed instantly. I was provided with a copy of the CCTV by David WALKER, who produces it bearing reference 901911A.

When I initially attended the premises that evening I had never envisaged that I would witness such a mindless and unnecessary act. I was shocked. Nikos had been absolutely adamant when I first spoke to him that his door staff would have recorded everything that was necessary. I am concerned that Nikos' was not only dishonest in advising me that he had been present at the original incident, but that his actions when I attended were deliberately evasive.

Sigr

PC BETHAN WOOD

Signature witnessed by :



RESTRICTED – For Police and Prosecution Only

URN: | | |

Witness contact details

Home Address: _____
Home Telephone No: _____
Mobile / Pager No: _____
Preferred means of contact (specify details): _____
Best time of contact (specify details): _____
Post Code : _____
Work Telephone No: _____
Email address: _____

Gender: FEMALE
Date and Place of Birth: _____
Former name: _____
Ethnicity Code: 0. Unknown
Religion / Belief: _____

DATES OF WITNESS NON-AVAILABILITY: AS PER CARMS

Witness Care

- a) Is the witness willing and likely to attend court?
If 'No', include reason(s) on form MG6. Yes No
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit MG2 with file. Yes No
- d) Does the witness have any particular needs?
If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?) Yes No

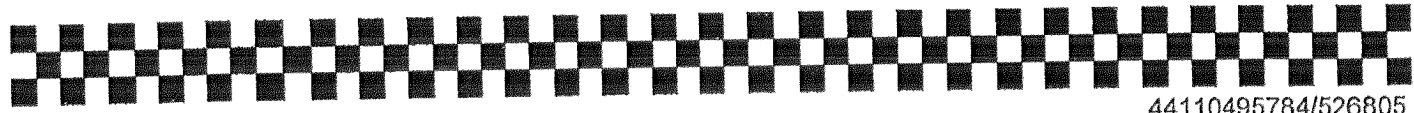
Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to the police - what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice): Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable e.g. child care proceedings, CICA: Yes No N/A
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: _____ PRINT NAME BETHAN WOOD
Signature of parent / guardian appropriate adult: _____ PRINT NAME
Address and telephone number if different from above: _____

Statement taken by: Constable 24191 B WOOD Station: _____

Time and place statement taken: _____



Working Sheet

Hampshire Constabulary

Printed: 06/12/2011 13:43 by 24288

Occurrence: **44090006406 Z Prem Licence (Management Occurrence)**

Author: #24191 WOOD, B.

Report time: 23/11/2011 01:37

Entered by: #24191 WOOD, B.

Entered time: 23/11/2011 01:37

Remarks: Incident involving door staff 19/11/11

90 Degrees

Following on from Insp Bates' email at the weekend I visited tonight (23/11/11) just to look at the incident book for about 2240hrs on the 19th November. Another premises had reported on Licensing Link that staff were having a 'scuffle' with three males at the rear door. 90 Degrees hadn't called up.

The incident log read:

"3 males Infox being rude & aggressive rear exit [REDACTED] DOOR STAFF."

This was vague and caused me some concern as other one line entries at least indicated whether the persons had been inside the premises or not, and the action taken. Nikos argued for a short time and so we compromised and agreed to view the CCTV. The footage shows three males being ejected from the rear door. Nikos stopped the CCTV and said that he remembered it, they didn't use any force in ejecting them, there needn't have been a more detailed entry. Then I asked to keep watching, as the time had not yet reached 2240hrs. The three males come back seconds later. One picks up a metal beer barrel and starts chucking it around. It narrowly misses a car, and one of the other males is instrumental in preventing this. However, he then picks it up and throws it twice at the closed rear door. The same three door staff come back out. Two head straight off down the road to where the three have scarpered too, the other, incredibly, picks up the barrel, runs to catch up, and then prior to quite making up the ground throws it with considerable force towards the three males, narrowly missing his colleagues. They then return, without ever apprehending the three original offending males. There was absolutely no way that this could be construed as self defence. The males had thrown the barrel at a closed door. They were then running away from the premises when the doorman throws the barrel at them. It is incredibly fortunate that nobody was injured.

It took a while for the gravity of this to sink in, but when it did Nikos was furious. I have never seen anything like it! Dan Curtis was called up to the office. It transpires that both Nikos and Dan were told by the other door staff that it was a minor incident. Dan had told [REDACTED] to record it in the book. Nikos was unwilling to make a decision as to what to do and wanted Dan to make it for him. Dan kept telling him that he was the boss, it was his decision. In fairness to Dan he said that he did not want that doorman (Darren) working on his team and immediately contacted Adam Wynder (Securidoor area manager) who arrived within minutes. I disappeared to go to Buddha Lounge, and by the time I returned Adam, Dan and Nikos were upstairs, [REDACTED] had been dismissed and I am informed he will not work for securidoor again. CCTV footage seized and

SIA no obtained for report to be sent.

24191



SECURIDOOR (UK) LIMITED
NIGHTLY REPORT

PAGES	DATE	TIME	VENUE	LOCATION	DOOR SUPERVISOR SIA NO.
	4-11-11		90s	SOUTHAMPTON	

DETAILS OF THE SHIFT

2131 1 x 1 M1 MALE STRIPPY JUMPER NO ENTRY INTOX
 2245 3 x M1 Males INTOX BEIC RUDE + AGGRESSIVE! REAR EXIT
 2332 1 x 1 M1 MALE DENEIM SHIRT NO ENTRY INTOX
 2341 2 x 1 M1 Males OUT REAR DOOR INTOX IN CHECK SHIRTS A
 2355 2 x 1 M1 Males LEATHER JACKETS ESCORTED OUT REAR EXIT BY
 2359 1 x 1 M1 MALE BLUE SHIRT NO ENTRY INTOX
 0002 1 x 1 M1 MALE BLUE SHIRT ROLLED UP SLEEVES ESCORTED
 OUT REAR EXIT BY
 0006 1 x 1 F3 FEMALE LEOPARD TOP ESCORTED THROUGH
 MAIN DOOR BY
 0076 1 x 1 M1 MALE ESCORTED OUT SMOKING AREA BY PAU WITH
 2052 1 x 1 M1 MALE ESCORTED OUT THRU BACK DOOR BY
 BLACK CARAIGAN BLUE STRANS (WAA) INTOX
 0046 2 x 1 F1 FEMALES, REAR \$ BLOWNE HAIR +
 REAR \$ CREAME TOPS ESCORTED THRU BACK DOOR
 BY USING MENS TOILETS
 2050 1 x 1 M1 MALE INTOX FRONT DOOR A
 102 1 x 1 M1 MALE, BLACK CARAIGAN GREY TSHIRT ESCORTED
 OUT OF BACK DOOR BY INTOX

PRINT NAME D. CURRIS

MANAGER NAME SIGN

use either fax to: 02380866

Occurrence summary

Hampshire Constabulary

Printed: 09/01/2012 11:49 by 24288

Occurrence: 44110495784 Public order @23/11/2011 15:53

Date/Time: between.... 19/11/2011 22:35 and 19/11/2011 22:45

Clearance status: Under investigation

- Involved person(s):
- 1) [Other] RAFTOPOULOS, NIKOLAS [REDACTED] M [REDACTED]
ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 7AE (OCU: 5 SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SP PORTSWOOD, Beat: 5SP05 BASSETT) (Land line) [REDACTED], Id #:282067
 - 2) [Other] CURTIS, DANIEL JOHN STEPHEN [REDACTED] M (24 CARLTON PLACE SOUTHAMPTON, HAMPSHIRE United Kingdom SO15 2DY (90 DEGREES) (OCU: 5 SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SW CENTRAL SOUTHAMPTON WEST, Beat: 5SW03 POLYGON)), Id #:693
 - 3) [Aggrieved] THE STATE (HAMPSHIRE CONSTABULARY HEADQUARTERS, ROMSEY ROAD 44CQ, WINCHESTER, HAMPSHIRE United Kingdom SO22 5DB (POLICE) (OCU: 1 CENTRAL, District: W WINCHESTER, Sector: WC WINCHESTER WEST, Beat: 1WC01 WINCHESTER CITY)), Id #:73234
 - 4) [Cautioned; Suspect] [REDACTED] M [REDACTED] (OCU: 5 SOUTHAMPTON, District: A BITTERNE, Sector: AS BITTERNE SOUTH, Beat: 5AS04 WESTON)), Id #:4
 - 5) [Witness] [REDACTED] [REDACTED] (OCU: 5 SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SE CENTRAL SOUTHAMPTON EAST, Beat: 5SE03 NEWTOWN) (Mobile) [REDACTED], Id #:18

Involved address(es): 1) [Occurrence address] 24 CARLTON PLACE SOUTHAMPTON, HAMPSHIRE United Kingdom SO15 2DY (90 DEGREES) (OCU: 5 SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SW CENTRAL SOUTHAMPTON WEST, Beat: 5SW03 POLYGON)

Involved vehicle(s):

- Involved officer(s):
- 1) #8832 TAYLOR, S. (Call taker)
 - 2) #24191 WOOD, B. (Reporting officer)
 - 3) #5012 BATES, P. (Assisting officer)
 - 4) #25070 SPENCER, S. (Detecting officer; Officer in case)

Flag(s):

Summary: Incident involving three males ejected from rear doors of night club. One of males picks up a beer barrel and throws it at the rear doors. Door staff come back out and one of the staff picks up the barrel and throws it back at the males, narrowly missing his own colleagues.

Remarks:

Working Sheet

Hampshire Constabulary

Printed: 06/12/2011 13:39 by 24288

Occurrence: **44090006406 Z Prem Licence (Management Occurrence)**

Author:	#3555 MARSHMAN, I.	Report time:	01/12/2011 16:09
Entered by:	#3555 MARSHMAN, I.	Entered time:	01/12/2011 16:09
Remarks:	Gas bottles out side rear doors of premises.		

Spoke to Nikos on the 30/11/11 and arranged a meeting for the 2/12/11 at 1400 hours at the venue. Nikos explained the barrel incident saying that he wasn't aware of the incident. He was there for part of it and the door staff had told him that someone had kicked the door.

Today 1/12/11 I checked the rear door of the premises and there appears to be a mop type handle on the floor, loose wooden pallets(about 3) and two calor gas typ bottles out side the door. These could be used as weapons if people are ejected from this door. This will need to be discussed with the venue tomorrow.

PS3555 MARSHMAN

Working Sheet

Hampshire Constabulary

Printed: 09/01/2012 11:46 by 24288

Occurrence: 44090006406 Z Prem Licence (Management Occurrence)

Author:	#3555 MARSHMAN, I.	Report time:	02/12/2011 15:44
Entered by:	#3555 MARSHMAN, I.	Entered time:	02/12/2011 15:44
Remarks:	Meeting 2/12/12 [REDACTED]		

Meeting held at Ninety Degrees with Nikos and Jason McCarthy(owner of Securidoor).

[REDACTED]

I checked the incident book and as PC Wood advised there was one line about the beer barrel throwing incident . it mentioned rude and aggressive males. I pointed out that this does n't say what happened at all and as discussed they need to say what happened. It was signed off by Dan Curtis the head doorman? Why didn't he pick up on this? Nikos said that he read every door incident sheet. I asked why he didn't sign them... he then asked if thats what i wanted him to do. I explained that this had been explained to him before.

I asked why he didn't pick up on the poor entry especially as the door team had advised him that the door had been kicked by the suspects. He couldn't answer this.

Once more i explained that we now had a suspect for the offence(member of public) and no details of him as his door team had not yellow carded the male or called the police or used W1 at the time of the offence. This had been brought up in the review before.

Apparently Dan Curtis called it in once he went to the back of the building after the main incident.

They explained that although they had trained all the door team prior to the last review that they had now done it again. They had sacked the door man who had thrown the barrel . I asked about the other two who had lied to the Head door man and Nikos and they were still working for the premises. I suggested risk assessming this and they said they had.

Both Nikos and [REDACTED] advised that they still eject people from the rear of the premises since the incident with the barrel if the incident happens near to the back door and it is busy. I asked if they assessed the outside back area and initially the answer was no and very fague. [REDACTED] had a risk assessment of the premises and policy. it wasn't covered in this. I then explained the dangers of ejecting people out the back if there is barrels , bottles etc. I explained that when i saw the back of the premises yesterday there were wooden pallets, gas bottles and pole lying about.

We went down to check and there were still gas bottles , pallets lumps of wood with nails poking out , glass bottles and a pole out side the rear door. I explained the risk of these items once more. I explained my concerns over the fact that it was now two weeks after the barrel incident and it still hadn't been cleaned up or decided not to eject from the rear of the premises. At this point i explained we would be going to review once more as these weren't the actions of a responsible DPS.

We continued to discuss the issue and Nikos advised it was n't his fault regarding the incident etc.It then came out that [REDACTED] had started the risk assessment of the venue two days before the licensing link meeting at the premises which was on the 26/10/11 (the barrel incident occurred on the 19/11/11). I asked if out side exit points were discussed. Nikos answered a sperate question and tried to change the subject. I repeated the question and [REDACTED] said he had mde rough notes about the beer barrels outside and the poles etc being a hazzard. It was then admitted that Nikos was aware of this as he had accompanied Nikos around whilst this was happening. They had also sat down to discuss the hazzards.

Nikos then started to say that the pallets were dropped there yesterday and should have been picked up and he would get the area cleared.I expressed my concerns that it hadn't been addressed before the incident or after. I asked if his bottle bins were locked and he said they didn't lock them. Again advice given. I suggested that they should consider not ejecting people out the back with all the "weapons" waiting for the people ejected.

Shortly after the meeting [REDACTED] rung and advised that he had now been given the nod from Nikos to allow the head doorman to chekc these areas and if they are not clear to make the decision not to eject via the back doors.

Once more it appears that the action is only taken once police have pointed out the areas of concern.

PS3555 MARSHMAN



HAMPSHIRE CONSTABULARY

RECORD OF INTERVIEW

URN

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Contemporaneous Notes ~~XXXXXXXXXX~~

DOOR MAN

Person interviewed: ~~XXXXXXXXXX~~

Place of interview: Southampton Central Police Station

Date of interview: 19 December 2011

Time commenced: 2008 Time concluded : 2018

Duration of interview: 10 MINUTES

Audio tape reference nos. (♦) Visual image reference nos. (♦)

Interviewing Officers: PC 25070 Simon SPENCER

Other persons present: NONE

Police exhibit no.:	SRS/DP/01
Number of pages:	
Signature of interviewing officer producing exhibit:	

Tape Counter Times♦	Person Speaking	Text
---------------------	-----------------	------

25070		I am PC 25070 SPENCER stationed at SOUTHAMPTON CENTRAL POLICE STATION. I wish to ask you some questions about an incident of Public Order that occurred on the 19 th November 2011 at 90 Degrees, Carlton Place, Southampton.
-------	--	--

25070		Firstly I must caution you that you do not have to say anything, but it may harm your defence, if you do not mention when questioned, something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?
-------	--	--

Yes

Signature: _____

contemporaneous notes



HAMPSHIRE CONSTABULARY

RECORD OF INTERVIEW

Continuation Sheet No : 1

Record of interview of: [REDACTED]

Tape Counter Times	Person Speaking	Text
		[REDACTED]

25070

What I propose to do is carry out a contemporaneous note interview; that means I will ask you a question and write it down, I will then write down your answer. You will be invited to sign each page in acknowledgement that it is a true and accurate record of interview. Do you understand?

DP

Yes

25070

I should also point out that you are not under arrest and are free to terminate this interview and leave the police station whenever you wish. I must warn you, however, that if you decide to terminate this interview and leave the police station before I have asked you all the questions that I consider relevant I will reconsider whether your arrest is necessary for the effective investigation of this offence and you may be arrested.

25070

If you wish you can consult with a solicitor free of charge before continuing with this interview. Do you require the services of a solicitor?

DP

No

Si

: for contemporaneous notes



HAMPSHIRE CONSTABULARY

RECORD OF INTERVIEW

Continuation Sheet No : 2

Record of interview of: [REDACTED]

[REDACTED]

Tape Counter Times	Person Speaking	Text
--------------------	-----------------	------

25070

Were you at 90 Degrees on the 19/11/11 as a member of door staff?

DP

Yes

25070

Did you eject any body out the rear door?

DP

Yes

25070

Why were they ejected?

DP

It wasn't me that ejected them it was Ivan, I suspect it was because they were drunk and they were friends, I patrol inside and saw them heading towards the door. I suspect it was one particular male that was being mouthy but the other two became involved.

29070

What happened outside?

DP

Basically a bit of verbal abuse they would not go away, bit of a stand off, we went back in and shut the door. Almighty bang on the door, from a beer barrel being thrown at the door. Went back out and confronted them again to get them to go away. One of them picked up a chair from behind a skip and I picked up a barrel. Which I threw in his direction.

29070

Why did you pick up the barrel?

DP

I really don't know.

25070

Did you hold the barrel above your head and chase anyone?

DP

No didn't chase, picked it up above my head, he was around 20

Signature: _____

contemporaneous notes



HAMPSHIRE CONSTABULARY

RECORD OF INTERVIEW

Continuation Sheet No : 3

Record of interview of: [REDACTED]

Tape Counter Times ♦	Person Speaking	Text
----------------------	-----------------	------

29070
DP

feet away I threw it at his feet. It wasn't my intention to cause my harm.

Why did you do this?

Can't explain it, out of character. Never done anything like that in 19 years working on doors.

29070
DP

Did you throw the barrel to scare them?

Basically yeah, more like tit for tat. They picked up stuff so I did.

29070
DP

Do you think this put them in fear of violence picking up the barrel?

No, I think that was what they wanted.

29070
DP

Do you think they would have been alarmed and distressed by your actions?

I don't think so they done the same thing.

29070
DP

How do you fell following this incident?

Different emotions really, upset I lost my job.

29070
DP

Do you have anything else to add?

No.

29070

Do you think your actions of picking up a barrel could have been interpreted as threatening?

Do you think your actions of picking up a barrel could have been interpreted as threatening?

ND

Yes probably.

t for contemporaneous notes



Record of Adult Caution

Police station:	SC	Custody record number:	
Surname:	[REDACTED]	Date of birth:	[REDACTED]
Forenames:	[REDACTED]	Age:	[REDACTED]
A/S number:	[REDACTED]	Occupation:	Doorman
Place of birth:	[REDACTED]	Pre-arrest advice:	No
Nationality:	United Kingdom	Height:	
PNC appearance:	White		
Address:	[REDACTED]		
Offence: Section 4A POA		Occurrence Number: 44110495784	

Full circumstances and officers comments:

[REDACTED] was working as door staff at 90 degrees. After ejecting 3 males he is then seen to react to their behaviour and lift a barrel above his head and throw it at the feet of one of the males, the barrel did not hit the male.

Any Previous Convictions / Cautions? No

If 'yes' please detail below:

Justification for use of caution in this case (to include the views of victim):

[REDACTED] has given a full admission in contemporaneous interview to his actions and is sorry for what he has done.





Note: Indictable only offences require CPS authority to issue caution.

Cautioning Officer	
I confirm that:	
<ul style="list-style-type: none"> • There is a clear and reliable admission in this case which is PACE compliant and recorded as a: contemporaneous note interview. • All the legal elements of the offence are met: Yes. • I have fully explained the meaning of the caution and the consequences of it: Yes. • Gravity score is 2, aggravating/mitigating factors 0, total score is 2. 	
Cautioned by:	PS 3273 KING
Signed:	[Signature]
Station:	SC
Date:	19/12/11



RECORD OF ADULT CAUTION

ACKNOWLEDGEMENT OF ADULT CAUTION

I  

HAMPSHIRE, United Kingdom, ,
consent to be cautioned for the offence(s) of

- I admit to the offence(s) listed above, I have read and fully understand this form and I agree to be cautioned.
- I understand that this caution forms part of a criminal record and will be kept on the Police National Computer.
- I understand that this caution may be cited if I should subsequently be found guilty of an offence by a court.
- I understand that my details may be passed to any aggrieved party in this case should they wish to pursue civil action.
- I also understand that, in certain circumstances, it may be disclosed for employment vetting purposes.


Signed (person cautioned) _____ Date: 19/12/11 Time: 20:34

Caution Witnessed by (Appropriate Adult / Legal Representative) _____

Name: PC 25070 SPENCER

Sexual Offences Act 2003 Registration

I acknowledge that this offence has a requirement for me to register with the Police under the terms of the Sexual Offences Act 2003 and failure to do so will instigate further proceedings in relation to this offence.

Signed (person cautioned): _____ Signed (witness): 

PLEASE READ AND ENSURE YOU FULLY UNDERSTAND THE BELOW NOTES BEFORE SIGNING THIS CAUTION.

- A caution is not a criminal conviction, but a record of it will be kept by the police.
- If new evidence comes to light suggesting that the offences are more serious, legal action may still be taken against you.
- If you are charged with another crime in the future and go to court, the court may be told that you have received this caution.
- If you work in a job which is included in the list of notifiable occupations (jobs where you are in a position of trust or responsibility), your employer may be told about this caution.
- If you apply for certain jobs (paid or unpaid) that need a Criminal Records Bureau check your new employer may be given information about this caution as a result of it.
- If this offence is included in the Education (Prohibition from Teaching or Working with Children) Regulations 2003 (as amended), accepting this simple caution means you will not be allowed to do certain jobs which involve working with children. A list kept by the Department for Children, Schools and Families of people who are not allowed to carry out jobs involving children and young people. You will be committing an offence if you carry out (or try to carry out) any of those jobs.



en 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: | | |

Statement of: PS IVAN MARSHMAN
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police service

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: _____ Date: 7/11/12

PS IVAN MARSHMAN

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Police Sergeant 3555 Ivan MARSHMAN based at Southampton Central Police station. On Saturday the 17th of December 2011 I was in company with three fire officers from Hampshire Fire & Rescue conducting visits with regard to fire Safety in licensed premises.

At approximately 0005 hours on Sunday the 18th of December 2011 we had all left Buddha Club via the rear door that goes into a service road behind several clubs. During this time I could see the rear door of Ninety degrees which was our next port of call. There was a rubbish bin lying across the fire exit. At this point a male was ejected from the rear door of the premises and the door man picked the bin up before going back inside. The DPS Nikos Raftopoulos came out of the rear doors and came to speak to us all. I introduced the fire officers and explained that we intended to come next to his premises.

I was acting to introduce the Fire Officers to the premises and followed the Fire Officers around the building. Prior to entering the venue I asked the head door man Dan Curtis how many people we had in the premises. He struggled to answer the question. Several doormen came over as they tried to determine how many people they had inside. The DPS was present at the time. Eventually we started the inspection before we found out the numbers in the venue to avoid the delay. It was approximately 10-15 minutes later that we were given the exact numbers which were close to capacity. This raised concerns with me regarding public safety.

As we went through the club to the rear fire exit there were two fire doors propped open where a large number of wooden and fabric chairs were being stored. These were within several feet of the fire exit. It was pointed out by the fire officers that this was a fire hazard and the chairs should be moved immediately. They were placed outside the

Signed : PS IVAN MARSHMAN Signature witnessed by : _____



HAMPSHIRE CONSTABULARY

(en complete)

WITNESS STATEMENT

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

Continuation of Statement of: **PS IVAN MARSHMAN**

fire exit initially. It was explained that if there was a fire in those rooms because of the chairs in side and the doors were propped open that the fire could quickly spread to the rest of the building. Later it was realised by the DPS that the chairs were now outside the fire exit and Dan Curtis was asked to move them. I went with Dan to show him where they were. I checked the bins adjacent to the fire exit and they were wide open and it was half full of glass bottles. I pointed out to Dan the dangers of ejecting people out the rear doors if the bottle bins were unlocked. He said that he didn't want to eject people out of the rear doors because of the bottles etc available to people ejected. He further went on to say that "It's a god send when you come round to this venue".

During the visit it was mentioned to the DPS that the doors from the upstairs bar and dance area leading down the back to Lower Bannister Street had bolts on them that anyone could flip down and lock the doors leading to the fire escape rendering it inoperable. It was suggested that these bolts should be able to be locked into position to avoid this situation. Furthermore, it was pointed out that the fire exit itself that leads out on to Lower Bannister Street opened inwards which could have serious implications if there were to be a fire. It was advised that this would need to be altered to an opening outwards door (as all fire exits should).

The fire risk assessment was requested and the DPS struggled to find one. It was initially found and the fire officer pointed out that the one A 4 Sheet which contained tick box information was inadequate. He went onto say that it was the responsibility of the venue to have a suitable risk assessment and that any competent risk assessor would have picked up on these issues.

It was left that a further full assessment would be conducted the following week.

Sig _____
PS IVAN MARSHMAN

Signature witnessed by : _____



RESTRICTED – For Police and Prosecution Only

Witness contact details

URN: | | |

Home Address:

Post Code :

Home Telephone No:

Work Telephone No:

Mobile / Pager No:

Email address:

Preferred means of contact (specify details):

Best time of contact (specify details):

Gender: MALE

Date and Place of Birth: 19/11/1971

Former name:

Ethnicity Code:

1. White - North European

Religion / Belief:

DATES OF WITNESS NON-AVAILABILITY: N/A

Witness Care

- a) Is the witness willing and likely to attend court? If 'No', include reason(s) on form MG6. Yes No
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit MG2 with file. Yes No
- d) Does the witness have any particular needs? If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?) Yes No

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to the police - what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice): Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable e.g. child care proceedings, CICA: Yes No N/A
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness:

PRINT NAME IVAN MARSHMAN

Signature of parent / guard appropriate adult:

PRINT NAME

Address and telephone number if different from above:

Statement taken by:

Sergeant 3555 I MARSHMAN

Station:

Southampton Central

Time and place statement taken:

Working Sheet

Hampshire Constabulary

Printed: 09/01/2012 11:44 by 24288

Occurrence: **44090006406 Z Prem Licence (Management Occurrence)**

Author: #3555 MARSHMAN, I.

Report time: 23/12/2011 13:53

Entered by: #3555 MARSHMAN, I.

Entered time: 23/12/2011 13:53

Remarks: Fire Visit 17/12/11

90 degrees

Prior to going in we had left via Buddha fire exit . The fire exit at 90 degrees was partly blocked by a rubbish bin on its side. At this point they ejected a person out the back of the property. All the bins wide open and one was half full with bottles!

During the visit they couldn't tell us how many people were in the premises for about 15 minutes. At the rear fire exit fabric chairs were stacked next to the fire escape opening up the fire door and were told they had to be moved immediately as if they caught on fire the whole place could go up. The door man moved them with Nikos and put them outside the fire exit?? They then later in the visit had to move them again as they realised what they had done. I then found the same thing in another room and advised them. One door that lead down to a fire exit had locks that could be put on by the public if this happened it felt there would be loss of life. Once passed these doors their fire exit opened inwards(they were addressed this would have to be changed to outwards. I suggested looking at their fire assessment and at first he couldn't find it and then one was found and fire advised it was inadequate and was just a tick box of little value.

They explained numerous times to Nikos they offer advise but he needs to take responsibility for all of this and should get a proper risk assessment completed which would have picked up on these issues. Dan Curtis advised he was concerned about the fire exits etc and Nikos . He said he would give a statement to this effect. Fire are revisiting early next week and will probably give an enforcement notice. All of this highlights issues with Nikos and will have to be added to the review.

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