Public Document Pack

Licensing (Licensing and Gambling) Sub-Committee

Thursday, 22nd March, 2012
at 10.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor Cunio
Councillor Parnell
Councillor Thomas

Contacts

Democratic Support Officer
Sharon Pearson
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Email: sharon.pearson@southampton.gov.uk

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

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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 8th March 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 CLUB PREMISES CERTIFICATE - WOOLSTON TRADES AND LABOUR CLUB, WINCHESTER HOUSE, 25 LEIGHTON ROAD, SOUTHAMPTON, SO19 2FS

Report of the Head of Legal, HR and Democratic Services detailing an application by Hampshire Constabulary for review of a premises certificate in respect of Woolston Trades and Labour Club, Winchester House, 25 Leighton Road, Southampton, SO19 2FS, attached.

8 APPLICATION FOR REVIEW OF PREMISES LICENCE - GEORGE'S, 6 ATHELSTAN ROAD, BITTERNE, SO19 4DD

Report of the Head of Legal, HR and Democratic Services detailing an application by Trading Standards and Hampshire Constabulary for review of a premises licence in respect of George's, 6 Athelstan Road, Bitterne SO19 4DD, attached.

Monday, 12 March 2012

HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES

LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE

MINUTES OF THE MEETING HELD ON 8 March 2012

Present: Councillors Cunio, Osmond and Vassiliou

Apologies: Councillor Harris and Councillor Willacy

95. **ELECTION OF CHAIR**

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

96. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Panel noted that Councillors Vassiliou and Osmond were in attendance as nominated substitutes for Councillors Harris and Willacy respectively, in accordance with Council Procedure Rule 4.3.

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

RESOLVED that the minutes of the meeting held on 23rd February 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

98. **EXCLUSION OF THE PRESS AND PUBLIC**

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

99. **APPLICATION FOR REVIEW OF A PREMISES LICENCE - LONDIS NEWS, 48 LODGE ROAD, SOUTHAMPTON, SO14 6RJ**

The Sub-Committee noted that the application had been rescheduled to 5th April 2012.

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

RESOLVED that the matter be adjourned. It was noted that agreement had been reached by all parties to adjourn the application for review of the premises licence to 31st May 2012.

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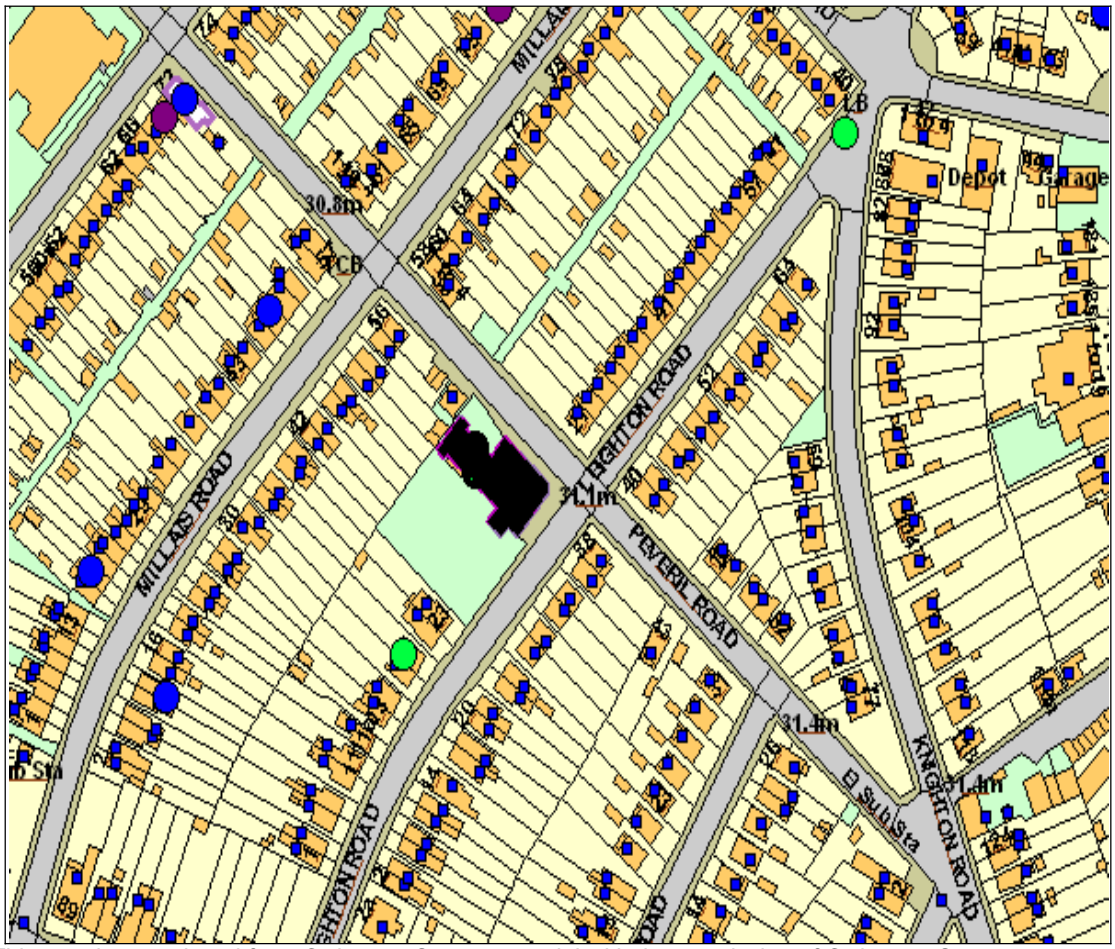
Reference: 2012/00198/03SRAP

Hearing: **22nd March 2012**

Application for Review of Club Premises Certificate

Premises Name:	Woolston Trades And Labour Club	Application Date:	20th January 2012
Premises Address:	Winchester House 25 Leighton Road Southampton SO19 2FS	Application Received Date:	26th January 2012
		Application Valid Date:	26th 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	No response Received	
Planning & Sustainability - Building Control - Licensing	Yes	
Planning & Sustainability - Development Control - Licensing	Yes	
Police - Licensing	No	
Trading Standards - Licensing	No response received	

Other Representations

Name	Address	Contributor Type
None Received		

Legal Implications

1. 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 club premises certificate.

2. The grounds of review applications must relate to one or more of the licensing objectives.

3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.

4. On receipt of the application for review, the officers will consider its validity, under delegated powers. Reasons for rejection, in whole or in part, include:

   - that the grounds for review are not relevant to one of more of the licensing objectives and;
   - (in the case of an application not made by a responsible authority), that the application is frivolous, vexatious or repetitious.

5. The City Council must, within one day of receiving the application for review, display a prescribed notice of the review application on the outside or adjacent the premises; the notice must remain on display for 28 days and any interested party in the vicinity or the responsible authorities may make representations in that period.

6. Unless the applicant, licence holder, interested parties and responsible authorities agree that a hearing is unnecessary, the City Council is then required to hold a hearing to consider the review.

7. The sub-committee, in considering the application for review, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.

8. The Licensing Act 2003 provides that, in determining an application for review, the sub-committee may take any (or none) of the following steps, as it considers necessary:

   - modify the conditions of the licence;
   - exclude a licensable activity from the scope of the licence;
   - remove the designated premises supervisor;
   - suspend the licence for a period not exceeding three months;
   - revoke the licence.

9. The Licensing Act 2003 makes provision for appeal to the Southampton Magistrates' Court against the sub-committee's decision in relation to an application for review.

10. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the sub-committee must makes its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

11. Copies of the application for review and the Police objection are annexed to this report.

12. The sub-committee must also have regard to:-

13. *Crime and Disorder Act 1998*

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

14. *Human Rights Act 1998*

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

Hampshire Constabulary
Chief Constable Alex Marshall

Southampton Central Police Station
Civic Centre
Southampton
Hampshire
SO14 7LG

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

Telephone: 0845 045 45 45
[redacted]
Deaf/speech impaired minicom: 01962 875000
Email: jonathan.harris@hampshire.pnn.police.uk

Our ref:
Your ref:

25th January 2012

Dear Sir,

On behalf of Hampshire Constabulary, I submit the following application for a review of the club premises licence of Woolston and District Trades and labour Club, Leighton Road, Southampton.

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).

Despite numerous meetings with club representatives to address police concerns, the club continues to breach conditions on its licence. Therefore, I submit this application to review the club premises licence of Woolston and District Trades and labour Club.

Yours faithfully

[redacted]

PC 24288 Harris

Violent Crime & Licensing Department

RECEIVED
26 JAN 2012

Stonewall DIVERSITY CHAMPION

Hampshire & IOW CRIMESTOPPERS 0800 555 111

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:	Woolston and District Trades and Labour Club 25 Leighton Road Southampton
Postcode *(if known)*:	SO19 2FS

Name of premises licence holder or club holding club premises certificate *(if known)* Woolston and District Trades and Labour Club

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:	[redacted]		
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

RECEIVED
26 JAN 2012

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:

This review is brought by Hampshire Constabulary as a responsible authority under the Licensing Act 2003, as it believes the club is failing in its obligation to promote licensing objectives, particularly in relation to prevention of crime and disorder and the protection of children from harm.

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

1) Revocation of the clubs premises licence

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

On 15th June 2011, PC Bailey from Bitterne police station contacted the police licensing team in relation to concerns with the club. He had been dealing with an assault allegation involving a 7 year old aggrieved, which occurred inside the premises. He was firstly concerned that there appeared to be no record of who was coming into the premises and no one was able to produce footage from the CCTV system. PC Bailey further attended the club premises with the club secretary on 21st June 2011 and was told that a copy of the CCTV would be produced for him by 29th June 2011. CCTV was never produced in relation to this matter and when PC Harris spoke to the club secretary on 18th August 2011, he was advised that there was a problem with the CCTV system, which only became apparent following the assault in June. The power pack for the system was faulty and the system was not operative. This meant that despite identifying that the system was inoperative, nothing was done to rectify the fault until police intervened. It had almost been 2 months and the premises had been operating without CCTV, selling alcohol in breach of its licence. The club secretary was asked to rectify the problem within a 2 week period or police would look to report him for a breach of the licence.

The club president contacted police on 2nd September 2011 to advise it had been difficult to locate the correct power pack, but that it was on order and should be delivered by courier the next day. They would then attempt to get the system back up and running.

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

PC Lindley and PC Harris attended the club premises on 17th September 2011 to see if the CCTV system was back in operation. A committee member who was the only one present at the time spoke with officers. Police were informed that the system was back up and running, but the only person to have access to it was the club secretary who was not available. Police requested that they were contacted and attend the premises. Police were then met by a steward for the club who although made it clear that she was not working, was visibly very drunk, slurring her words and unsteady on her feet. Whilst speaking with the steward, she made a number of comments making it clear that she was unconcerned by her drunkeness. She made no attempt to hide it and almost became involved in an argument with the committee member over who was in charge. Officers highlighted it was likely that offences had been committed by bar staff, as they would have served the steward whilst she was drunk.

The steward could open the locked cupboard to where the CCTV system was located, but no one other than the club secretary knew the passcode to access the system. It was explained to all parties that in accordance with the licence, CCTV footage should be available to police immediately upon request. The committee member and steward were advised at the time that a meeting would need to be called with the club secretary to address all the concerns that had been raised.

After arranging a meeting with the club secretary, PC Harris and PC Lindley reattended the premises on 20th October 2011. The club secretary was not present at the meeting and police were told that he was stepping down and retiring shortly. A committee member who was present was due to take over the role. Police concerns that had been raised with the club secretary prior to the meeting, appeared not to have been passed onto the committee members. They were not aware of the conditions on the clubs licence and were unable to produce recorded footage from the CCTV system. Pictures from the system could be viewed, but the images were of poor quality and again were in breach of the licence. Other breaches in the licence were then identified, as in accordance with the licence, 'All bar staff shall be trained in the law governing the supply of alcohol to members and guests, and in particular regarding the requirements of Challenge 21 and persons under the age of 18 years. All staff shall be trained on induction and such training shall be repeated twice per year. Records of training shall be kept at the Club, shall bear the signature of each trainee and shall be made available to police officers and authorised officers of the licensing authority on request'. The committee were not able to produce any training documents. The police passed a 30 page document to the committee to assist them in producing a due diligence package. The club chairman was spoken to on 14th December 2011 and at this time, the training package had still not been produced.

PS Marshman visited the premises on 5th November 2011 at 2000 hours. No one answered the buzzer when he tried to gain access, but he was able to enter the building as someone walked out. He was met by a committee member who was very defensive initially and informed him he should give 48 hours notice prior to attendance. Once this was resolved the committee member was asked about CCTV and if she could produce a copy of recorded footage. PS Marshman was informed that staff were all being trained on how to use the system the following week.

The committee member was then asked to produce the signing in book, which was for all members and guests of members who were aged 13 to 17 years old, as per the condition on the licence. The book was last filled in on 1st November 2011 and yet there was a 13 year old and a 14 year old on the premises at the time and they had not been signed in. A book used to sign in non members was poorly filled in with membership numbers missing and signatures missing. The committee member advised police that they could not control the door and that people just came on in as others left. PS Marshman suggested a committee member could sit on the door which would rectify these problems. Prior to leaving, PS Marshman asked to see the club premises certificate. This was not on display and the committee member did not know where it was located. PS Marshman advised that it would be necessary to have another meeting to discuss these further issues.

PS Marshman and PC Harris met with the new club secretary and two other committee members on 14th November 2011. Police were advised that three committee members were now trained in the use of the CCTV system and believed that it was capable of retaining recorded footage for 30 days - as per the licence. The club secretary tried to produce a copy of recorded footage on VHS tape, but clearly still had problems in using the system and the tape recorder kept pushing the tape out and as a result, no recorded footage could be produced. The system has to be stopped from live recording to enable the user to view recorded footage. It was checked to see how far back footage was retained and it only went back to 29th October 2011 which was 17 days. This highlighted that the system really needed to be replaced, as it was not fit for purpose and was in breach of the club premises licence in so many ways. Police were advised by the committee that they would look to obtain a new system soon which they hoped would address the quality issue.

The club premises licence was still not on display and again could not be located. The club secretary was advised to obtain a new one from the council. The members of the committee were asked whether they produced a due diligence training pack following the meeting with PC Harris on 20th October 2011. The club secretary advised he had passed the 30 page document to bar staff to read, but no one had gone through it with them. It was reiterated that in passing the document, the idea was to obtain relevant information from it and not just pass it to staff to read. A committee member then informed police that she would produce a pack and deliver to the bar staff. Police expressed more concern over the poor records of members and guests being signed in and the book for 13 to 17 year olds not being completed. The club secretary and the committee members were again advised to use a committee member on the door to complete records. Officers requested that the club provide an update regarding these issues no later than 28th November 2011.

The club failed in contacting police to advise of an update as per the request and then failed a test purchase operation on 3rd December 2011, where a member of bar staff served a child alcohol. Two children under the age of 18 and two under cover officers were able to walk into the premises unchallenged in this instance. This was little over two weeks after the last meeting where due diligence and door control was expressed as a serious concern. PC Harris recontacted the club secretary on 14th December 2011 to discuss the test purchase failure. PC Harris also enquired about the CCTV system and if it had been updated. The club secretary advised that the person that was going to provide them a new system had gone away for three months and therefore, there had been no changes. When asked about

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

the due diligence training, bar staff had not received anything further and only since the test purchase failure had they started to place a committee member on the door.

Despite considerable effort from police, numerous meetings with committee members, suggestions and advice, the club continues to breach conditions on its licence. It is because of the clubs protracted response to rectify the problems that exist, police would have little confidence in the club adhering to any new conditions, hence its request for a revocation of the clubs licence.

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

Signature of Officer Completing

Name PC HARRIS Collar Number: 24288

Signature: [redacted] Date: 19/01/2012

Signature of Authorising Officer (Inspector or above)

Name JOHN MCGONIGLE Collar Number: 1399

Signature: [redacted] Date: 20/01/2012

1

Harris, Jonathan

From: Marshman, Ivan
Sent: 15 June 2011 09:11
To: Bailey, Simon
Cc: Harris, Jonathan; Sullivan, Michael
Subject: RE: Occ 44110245326 WOOLSTON TRADE & LABOUR CLUB

Simon,

Thanks for letting us know. Feel free to let them know you'll be speaking to us.

One of my team will be visiting to address the issue.

Thanks

Ivan

PS 3555 MARSHMAN

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

From: Bailey, Simon
Sent: 14 June 2011 19:18
To: Marshman, Ivan
Subject: Occ 44110245326 WOOLSTON TRADE & LABOUR CLUB

Hi Ivan,
I just wanted to make you aware of a incident I am dealing with where a child and been allegedly assaulted by a adult.

The agg'd is a 7yr old, the parents are only wishing for police to locate the male and give words of advice.

The managers and staff are unsure of who the person is as it was not noted down and there is no record of who comes and goes into the club. The manager states that members do not have to sign in and guest are supposed to sign in but there is no record or monitoring of this.

Bar staff who was working on this date state the above and said there is no record of who's who at the club.
There is only CCTV on the front door but the manager was being evasive and was not wishing to assist. I explained I will be coming anyway to view the footage on 20/06/11.

I think she was more concerned about the club being reported than a child allegedly being assault on the premises she didn't seem bothered about this matter.

I will be speaking to her further about this and will inform her that I have contacted Licensing

about persons not being recorded at the club, if this is acceptable to do so.

Regards

PC 25076 Simon Bailey
C Shift SNIT
Bitterne

[redacted]

(2)

Working Sheet

Hampshire Constabulary

Printed: 29/12/2011 17:37 by 24288

Occurrence: **44110245326 Child abuse @12/06/2011 16:58**

Author:	#25076 BAILEY, S.	*Report time:*	21/06/2011 22:06
Entered by:	#25076 BAILEY, S.	*Entered time:*	21/06/2011 22:06
Remarks:	21/06/11 CCTV footage not available to be veiwed at this time		

I attended the Woolston Trade and labour club and spoke to Club Secretary (CS) [redacted] who deals with the CCTV footage.

The machine was not working and could show any footage around the time of
CS - the incident. [redacted] said he will try and get a copy of any footage an hour eityher side of the incident.

CCTV only cover the front door, the bar and inside enterance to the club.
CS - [redacted] was given the description of the male who alledgedly assaulted the agg'd. He or other members of staff do not know of this male but once copy of the CCTV is viewed then staff will ook out for the male and pass details of the male to Police. A copy of the CCTV will be sent to myself to veiw upon my return to work on 29/06/11.

If no staff can I dentify this male then this matter will be submitted for filling

The agg'd has been updated with the above infomation.

PC 25076

[redacted]

3

Working Sheet

Hampshire Constabulary

Printed: 29/12/2011 17:55 by 24288

Occurrence: **44100406749 Z Prem Licence (Management Occurrence)**

Author:	#24288 HARRIS, J.	*Report time:*	02/09/2011 15:53
Entered by:	#24288 HARRIS, J. (CP)	*Entered time:*	02/09/2011 15:53
Remarks:	Call rcvd from club president [redacted] RE CCTV		

The above called this afternoon and advised they ahve had to search the country for a replacement power pack for their system. It has been ordered and should
CP - arrive by courier tomorrow. [redacted] will then attempt to get the system up and
CS - running. [redacted] is currently on holiday so advised [redacted] that everytime premise is open they are breaching conditions. If an incident was to occur and cctv could not be produced, they would likely end up at review.

[redacted]

(4)

Working Sheet

Hampshire Constabulary

Printed: 17/01/2012 10:03 by 24288

Occurrence: **44100406749 Z Prem Licence (Management Occurrence)**

Author:	#24288 HARRIS, J.	*Report time:*	30/10/2011 03:15
Entered by:	#24288 HARRIS, J.	*Entered time:*	30/10/2011 03:15
Remarks:	Meeting with committee		

PC LINDLEY and I met with the committee of the club on Thursday 20 October. I explained the problems with the CCTV in that it was not in operation for a number of months and therefore, the premises was open in breach of its licence. We put them under pressure to resolve the problem which was a new power pack for the system and it was replaced in two weeks. However, when PC LINDLEY and I last attended, we were met by a drunk stewardess and no one knew the code to the CCTV system or how to burn off footage. I then went through the conditions and explained why it was so important that they adhered to them. It would appear that they were not fully aware of the conditions and Mr [redacted] the licence holder, clearly had not passed on any of my concerns. He was not even at the meeting and would appear to have washed his hands of the club as he is relinquishing himself as the clubs licence holder. This is being passed on to Mr [redacted] who was present.

CS -

Jew :S. -

I explained that they need to have at least one member that is always on duty who knows how to use and burn footage off the CCTV system. They said that they will get onto this immediately.

I explained that i had concerns with regards to due diligence because of their own stewardess being drunk on the premise. I asked if they had training (which they should have and retain due to conditions) but there was nothing in place. The committee realised this must be addressed and said they were embarassed that these things were not in order already. I have left them with some information in order to assist them in creating a due diligence pack. They would then like licensing to assist with the training of their staff which i offered to them. I will arrange this for a later date.

CCTV was viewed which does cover all the main areas although the quality is quite poor on the majority of the cameras as they are covering large areas. I highlighted my concerns over this and the committee explained that around June next year, the premises will be knocked down and replaced by a smaller building which will have a whole new cctv system in it. They did show me plans of the new building.

The ion track results were also advised to the committee. They did not believe they had any sort of drug problem at the premises and were shocked to hear of the results. They were really supportive of taking action with regards to this and said they would welcome the use at ion track at the premises.

[redacted]

[redacted]

(5)

Working Sheet

Hampshire Constabulary

Printed: 17/01/2012 10:03 by 24288

Occurrence: **44100406749 Z Prem Licence (Management Occurrence)**

Author:	#3555 MARSHMAN, I.	*Report time:*	06/11/2011 04:10
Entered by:	#3555 MARSHMAN, I.	*Entered time:*	06/11/2011 04:10
Remarks:	Visit 5/11/11		

Woolston Trade & Labour club

Visited premises at 20.00 hours on the 5/11/11. I gained access as someone was coming out of the venue as the buzzer was ignored. Whilst waiting at the bar there were several people under 18 in premises. A committee member came out to meet me and took me into the bar area without a pool table . I now know this to be [redacted] she started off very aggressively by saying that I needed 48 hours notice to enter the premises. I explained that yes 48 hours notice is required however I could request to see her premises certificate and whilst here she could provide some cctv to ensure she wasn't in breach of her licence. This was met with your not licensing and PC Harris was my boss? I pointed out I was licencing (but this didn't matter any police officer could request this) and I was actually the supervisor of PC Harris.

omittee member (CM)

CM - [redacted] became less defensive but could not download the cctv as she said they were all beingn trained on Tuesday. She seemed to think that although the cameras were of poor quality she didn't have to upgrade then until building works had been done. I explained that she would have to if they wished to operate as we would report them and if necessary take then to review their licence. I then asked to view there signing in log for people who were aged between 13-17 years old . This was last filled in on 1/11/11. I asked about the children in the other room and she said she would sort it. However, I asked her to accompnay me to ask there ages ... they were 13years old and 14 years old and not signed in. She advised this would be addressed(I explained that this was also a breach of her licence). I have to say when the Dad of the children becanme a little upset she did put him in his place in order to stop him becoming agitated with me being present.

I also looked at the that covers the associate members(members from other clubs who sign in) This was last signed on 1/11/11 and appeared in order. But the book that signs people in who aren't members was poorly filled in. Membership numbers left out- people not signing it etc. Also [redacted] admitted that they couldn't control the door and people just came on in when other people left (as I did). I explained a committee member could sit on the door as she explained they couldn't afford door staff. She wasn't too keen on this but it needs addressing. -CM

Finally I went to see her premises certificate only to find it wasn't on display and she didn't know where it was. A meeting needs to be held again..... and

[redacted]

consideration into reporting for the offence . Tight time frames are need for the improvements as they don't seen to under stand the importance or the licensing objectives.

(6)

Hampshire Constabulary
Chief Constable Alex Marshall

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

Mr B Morris
Woolston Trade and Labour Club
25 Leighton Road
Southampton
Hampshire
SO19 2FS

Telephone: 0845 045 45 45
[redacted]
Deaf/speech impaired minicom: 01962 875000
Email: southampton.licensing@hampshire.pnn.police.uk

Our ref: 44100406749
Your ref:

7th November 2011

Dear Sir,

This letter is in reference to our licence meeting on the 20th October 2011 at Woolston Trade and Labour Club. At the meeting a number of issues and concerns were discussed and are summarised on the attached sheet.

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

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

At this time, the police are concerned with the venue, as two of the clubs licence conditions are clearly being breached. Breaches of the clubs licence are taken very seriously and could result in the licence being reviewed or a summons to court. The Police Licensing unit will continue to monitor the premises and further visits will be conducted in order to check that the conditions are now being adhered to. Should we get further incidents and yet the issues not been addressed, then we would look to take the matter further and this could be by a review of the clubs licence.

Yours Sincerely

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

www.hampshire.police.uk

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Meeting at Woolston Trade & Labour Club 20/10/2011

Drunk stewardess

Police – informed committee that on our previous visit to the premises, we met a stewardess (Miss Casey) who was very drunk and admitted this. She was argumentative with a committee member at the time of the visit as to who was in charge and did not believe it was a problem for her to be drunk if she was not working. Police highlighted that an offence of serving alcohol to a drunk and having a drunk on a premises had been committed. This gave a very poor representation of the venue.

Venue – The committee agreed with the police view of this incident and wanted to know what exactly was said by Miss Casey. The committee advised they would be speaking with Miss Casey with regards to this.

CCTV

Police – Advised that the club had been in breach of its CCTV condition, as the club had been operating whilst the system was faulty and not functioning. Although it is now repaired, the club is still breaching the condition as at the time no one was able to produce recorded footage on the request of police. The CCTV system does not produce images of an acceptable quality which is also in breach of the licence. Most cameras cover large areas and although persons are identifiable up close, persons far away cannot be identified. The CCTV problems need to be rectified no later than 21st November 2011 or the premises should not operate after this date.

Venue – The committee advised that it was not aware of the condition and will ensure that certain employees are trained in its use. As the premise will be knocked down mid way through next year, the committee advised it did not wish to spend money on replacing CCTV equipment as the new premises will have a new system. (Please note, that if the CCTV system is not upgraded to an acceptable level, the premises should not operate).

Incident book

Police – There was no incident book currently being used. Police explained the benefits of maintaining a diarised book.

Venue – The committee explained they understood why this would be important and was happy to use an incident book and get one in place immediately.

Refusals log

Police – Advised the benefits of maintaining a log with regards to due diligence.

Venue – The licensee advised that he would maintain a record within the incident book.

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Due Diligence training pack

Police – Currently no due diligence package in place which is a breach of the clubs conditions. All staff should be trained on induction and this training repeated twice a year with records maintained as per the condition. Police offered to attend a due diligence training event, run by the club to reinforce what is said to staff. A due diligence training pack was left with the committee to assist in producing their own training pack. Police will contact the club 2 weeks from the date of letter to follow this up.

Venue – Welcomed assistance from police and will produce a due diligence package.

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Call anonymously with information about crime

[redacted]

(7)

Working Sheet

Hampshire Constabulary

Printed: 17/01/2012 10:05 by 24288

Occurrence: **44100406749 Z Prem Licence (Management Occurrence)**

Author:	#24288 HARRIS, J.	*Report time:*	14/11/2011 14:16
Entered by:	#24288 HARRIS, J.	*Entered time:*	14/11/2011 14:16
Remarks:	Meeting with club chairman		

PS MARSHMAN and i met with Bob Morris the new head chairman and two committee members including [redacted] -CM - committee member

Bob confirmed that the stewardess [redacted] had been verbally warned regarding her drunk behaviour during a previous police visit. Any further incident would result in her receiving a written warning.

CCTV - the 3 of them had allegedly been trained up on the CCTV, but Bob who took it upon himself to try and operate it still had great difficulty in doing so. The system they believed recorded for 30 days, but it had only saved footage back to 29/10/11 which is only 17 days in total. Most of the pictures from the cameras are poor and the identity of people in a court of law would not be possible. They advised they are getting a new system soon which they hoped would resolve the quality. I made it clear that it may not only be the system that needs replacing but the cameras also. Bob did try to copy footage onto a tape, but the player kept pushing the tape out.

Door staff (non sia) - PS MARSHMAN expressed concern over the fact he was able to walk in on another night without being challenged. We explained that the committee should have someone on the door using signing in books etc to record who is on the premises. A seperate book should also be retained for 13-17 year olds, which they do have but is not being completed all of the time.

Club premises licence - was still not on display and could not be located. Asked they obtain a new licence from the council.

Due diligence - Bob stated he had given staff the paperwork i gave them and had asked them all to read it. I reiterated as i did at the time that the relevant information should be taken from the pack and put into their own training package and then delivered to them verbally. [redacted] advised that she had offered to do this as she used to be a teacher. -CM.

All of the above, the club will provide police with an update no later than 28/11/2011. It is no expected that they will have all these matters completely resolved, but good progress should be made.

[redacted]

(8)

[redacted]

MG11

WITNESS STATEMENT

[redacted]

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

[redacted]

Statement of: PC 24191 WOOD [redacted] URN

Age if under 18: O18 *(if over 18 insert 'over 18')* [redacted] 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: [redacted] 24191 (witness) Date: 03/12/11

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

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

On the 3rd December 2011 from 1800hrs I conducted a test purchase operation with two test purchasers, one of whom was 17 years old and the other 16 years old. I was in company with PC 20920 PRIOR throughout.

Section 149 and 152 of the Licensing Act 2003 allows for the test purchaser to buy alcohol without committing an offence and for us to direct them to buy alcohol without an offence being committed.

The operation involved three plain clothes officers, PC 24133 SMITH, PC 20488 THOMAS, and SO 9398 CHARNLEY. Their role in the operation was to monitor the test purchaser at all times, ensure their safety, and give evidence in relation to any offences committed.

At around 2000hrs I directed PC's SMITH, and THOMAS, and SO CHARNLEY together with the two test purchase volunteers into Woolston Trade and Labour Club, LEIGHTON ROAD, WOOLSTON. It was suggested that the officers purchased drinks and then witnessed the two test purchase volunteers attempt to purchase alcohol. Shortly after entering the premises PC PRIOR received a phone call from PC SMITH to advise that a sale had been made. We attended the premises and on the way in to the premises were shown by PC SMITH the two bottles of WKD and Cider that had been purchased.

On entering the premises it took a little while to locate PC THOMAS and SO CHARNLEY. Myself and PC PRIOR originally went towards the main bar area where it was clear from the music and volume of voices that there was a function ongoing. Just prior to walking through the door into this room, a male, approximately 60yrs of age, sat on a chair by a table just outside advised that he was the 'door staff' and asked if there was a problem. I advised him of the fact that an offence had taken place and that we were entering in order to deal with this. We then located PC THOMAS and SO CHARNLEY in the small bar area next door. As I entered this area, an elderly lady who I believe to be called [redacted] approached me in a forthright fashion. She was clearly drunk. She was clutching a pint of beer, her speech was slurred and she was unsteady on her feet. [redacted] demanded to know what power we had to be on the premises and made it quite clear that she did not want us to be there. I believe she told me that I had no right to be there. Forming the opinion that [redacted] was drunk I went straight to the bar area where SO CHARNLEY

CM - committee member

2010/11

[redacted] (when complete)

identified the member of staff who had made the sale. This member of staff, who identified herself to me as [redacted] and [redacted] accompanied us into a side room.

I explained that [redacted] had failed a test purchase operation. At 2010hrs I cautioned [redacted]. Her response was "IT'S JUST MANIC HE DID LOOK OLD ENOUGH". [redacted] advised that she hadn't asked for any ID for the test purchaser. At 2014hrs [redacted] was reported for the offence of supplying alcohol to a person under the age of 18yrs on behalf of a club contrary to S146 (3) of the Licensing Act 2003, and cautioned, to which she then made no direct reply. [redacted] was issued with Fixed Penalty Notice 2024168 2 in relation to this matter.

BAR STAFF.

Signature: [redacted] ..... Signature witnessed by: .....

[redacted]

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: PC KIM THOMAS

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: [redacted] Date: 03/12/2011

PC KIM THOMAS

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

I am PC 20488 Kim THOMAS of Hampshire Constabulary currently stationed at Shirley Police Station. On Saturday 3rd December 2011 I took part in a police operation with the Licensing Team based at Southampton Central Police Station. On this date I worked with my colleagues PC 24133 SMITH and SO 9398 CHARNLEY. We were operating in plain clothes. We were assisted by 2 uniformed officers who were PC 20920 PRIOR and PC 24191 WOOD. Also part of the team were two volunteers who were acting as Test Purchasers for the evening. Both were aged under 18.

At 2000hrs we attended Woolston Trade and Labour Club on Leighton Road in Southampton. Entry to this premises should be restricted by a buzzer system however, on our arrival, we were able to walk straight in the main the door. Once through this, we were able to walk through another set of doors and past a member of staff completely unchallenged. PC SMITH and SO CHARNLEY went to the bar, I stood back. The two test purchasers were stood in front of me. The male test purchasers asked a lady behind the bar for a bottle of Bulmers Cider and a bottle of WKD Blue. The female who I would describe as having black and red hair wearing a denim jacket with the sleeves cut off served him without asking his age or asking for ID. The Test Purchasers removed their drinks from the bar area and were seized by PC SMITH. I then identified the female to PC PRIOR before leaving the premises.

I had no further dealings with the premises or the items seized after this.

Signed : [redacted] Signature witnessed by :

PC KIM THOMAS

[redacted]

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: PC RUSSELL SMITH

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: [redacted] Date: 03/12/2011

PC RUSSELL SMITH

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

I am PC 24133 SMITH of Hampshire Constabulary, currently attached to Southampton Central Police Station. On Saturday 3rd December 2011 I was on duty in plain clothes and conducting a test purchase operation with the Licencing Team, PC 20920 PRIOR and PC 24191 WOOD.

The purpose of the operation was for a test purchaser, aged under 18, to enter a licensed premises in order to attempt to purchase alcohol.

In relation to my involvement in the test purchase operation, at 2000 hours I attended the WOOLSTON TRADES and LABOUR CLUB, SOUTHAMPTON in the company of SC 9398 CHARNLEY and PC 20488 THOMAS (also in plain clothes), along with a male and female test purchaser.

Before our arrival at the premises I had been told that we may have to press a buzzer to gain entry and then sign in as a guest. However, as we arrived we all proceeded straight into the premises and into the bar area. Whilst at the bar area, the test purchaser requested a Bottle of Bulmers cider and a bottle of WKD.

A female behind the counter served the test purchaser the alcohol and I advised the Licensing team to attend the premises for this reason.

At 2000 hours I seized these bottles and left the premises with the bottles. I emptied these and placed them in to an evidence bag with seal number D02332515. I can exhibit these as: - RLS/WTLC/01 – Empty bottle of Bulmers and WKD. [redacted]

Signed : [redacted] Signature witnessed by :

PC RUSSELL SMITH

[redacted]

(11)

Working Sheet

Hampshire Constabulary

Printed: 17/01/2012 10:05 by 24288

Occurrence: **44100406749 Z Prem Licence (Management Occurrence)**

Author:	#24288 HARRIS, J.	*Report time:*	14/12/2011 11:25
Entered by:	#24288 HARRIS, J.	*Entered time:*	14/12/2011 11:25
Remarks:	Spoke to chairman re tp failure		

As above, spoke with Bob Morris. Advised that in light of the test purchase failure we will look to have the premises licence reviewed.

I asked what had been done regarding the measures we suggested and was disappointed with the update.

The CCTV - no additions have been made to the system. Bob advised that the person that was going to provide them with another system is away for 3 months. He then said that they are looking in to it as it is a priority.

Due diligence - we were informed at the last meeting that [redacted] - CM . (committee member) was putting together the due diligence and would go through this with bar staff. This has not happened yet.

A written warning was issued to the bar staff that served the alcohol to the t/p.

Only since the t/p failure, Bob advised that they are having committee members on the door all the time, especially on a Friday and Saturday.

I am booked with other matters this week and then will vbe on annual leave from next so suggested that we would discuss this all early in the new year.

[redacted]

[redacted]

MG11

WITNESS STATEMENT

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

Statement of: Simon BAILEY URN

Age if under 18: over 18 *(if over 18 insert 'over 18')* Occupation: Police Constable

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.

Signature: [redacted] (witness) Date: 25/01/12

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

I am Police Constable 25076 BAILEY of the Hampshire Constabulary and I am currently based at Bitterne Police Station in Southampton.

On 12th June 2011, I was investigation an assault on a minor at the Woolston Trade and Labour Social club. A member of the Social club [redacted] had reported to Police that her child [redacted] had had an altercation with some other children in the play room at the Woolston Trade and Labour Social club. One of the parents of the other children involved has reacted to strongly to pushing him over in the stomach and kept him in the play room briefly against his wishes.

On the 13/06/11 I spoke the manager on the phone who is actually the Steward of the Social Club [redacted] to inquire about the incident and to see if there are any witnesses or members of staff who might have seen the incident.

[redacted] stated that she has no knowledge of this incident being reported to her by any other members of staff. She states that only members had attended the club on 12/06/11 and no other guest were seen.

She went on to say that members do not have to sign in when they attend the club. She also stated the CCTV will not clearly show who has come and gone from the Social club at the time of the reported incident.

I feel she was being evasive about this matter and about the CCTV system. I explained that I will be attending the Social club to view the CCTV footage. The member of staff who was on duty at the time of the incident is a [redacted]. I spoke to him by telephone on 14th June 2011.

[redacted] states that he did not see or hear the incident between the children in the play room or the adult who had allegedly assaulted the aggrieve.

Signature: [redacted] Witnessed by: .....

He stated that one of the members of the club told him that some children have been seen fighting in the play room area and a pool cue was used hit another child. There was no mention of any adult assaulting a child in the play room.
[redacted] did not remember the informant's name

[redacted] went on to mention that he did see the a child believed to be aggrieve who was now seen crying and being consoled by his mother back in the public bar area. [redacted] also mentioned that a male possibly seen near to the playroom matched the brief description given. He stated that this male is not known to the social club or him. This male has been seen before coming to the Social club once or twice within a month ago along with his kids and a female believed to be his partner.

[redacted] explained that there is CCTV footage of who comes and goes into the club, however there is no record of members or guests at the Social club. I feel this is lacking supervision by the management. He also explained there is no door staff to check persons entering the club as this is down to the committee decision, but as yet this has not been actioned by them.

After speaking with [redacted] and [redacted] my concern is that if there has been other incidents in the past or possibly a future incident there is no record to say who is who only the footage from the front door CCTV.

I then made contact the Licensing team at Southampton Central Police Station to make them aware of this matter and my concerns and the issues concerning the signing in of members and their guest at the club.

I was informed that the committee staff member who is responsible for the downloading the CCTV at the social club is [redacted].

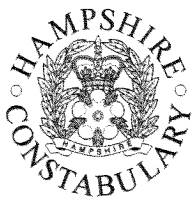
On the 20th June 2011 I attended the Social club I attended the Woolston Trade and labour club and spoke to [redacted]. Upon speaking with him about the incident he was unaware that an incident had happened and it had only been brought to his attention in brief conversation with [redacted] when Police first made contact with [redacted].

[redacted] went to review the CCTV footage of the incident, unfortunately the machine was not working and could show any of the footage around the time of the incident. [redacted] said he will try and get a copy of any footage an hour either side of the incident.
CCTV only covers the front door, the bar area and inside entrance to the club. [redacted] was given the description of the male who had allegedly assaulted the aggrieve. He explained that once he was able to speak to another committee member and recover the footage. Once a copy of the CCTV is viewed and obtained he will ask staff look out for the male seen on the CCTV and pass the details of the male to Police.

The investigation did not move forward as the aggrieves parents declined to support Police prosecution. As they felt this would be to much for their child to endure and the lack of CCTV evidence and witnesses.

I was never contacted back from the Social Club with an outcome of the CCTV footage if it was ever reviewed or copied.
I had no other dealings with the Woolston Trades and Labour club.

Signature: [redacted] gnature witnessed by: .....



Hampshire Constabulary
Chief Constable Alex Marshall

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

Mr B Morris
Woolston Trade and Labour Club
25 Leighton Road
Southampton
Hampshire
SO19 2FS

Telephone: 0845 045 45 45
Direct dial: 023 8067 4768
Fax No: 0845660037
Deaf/speech impaired minicom: 01962 875000
Email: southampton.licensing@hampshire.pnn.police.uk

Our ref: 44100406749
Your ref:

29th February 2012

Dear Sir,

This letter is in reference to a visit made to the above premises on 10th February 2012.

On arrival at the premises, we were most concerned that the entrance doors were unlocked and anyone free to gain entry. As we have highlighted, the licence is a club certificate and not a premises licence. Under the Licensing Act 2003, alcohol should only be sold to members of the club and guests of members. If there is no restriction to public access, then the premises is effectively being used as a public house.

During the visit, further breaches in the licence were being committed. It was apparent that whilst we were on the premises that a child 13 years of age, had not been recorded in the signing in book. This is a breach of the following condition:

All members and guests of members who are aged from 13 to 17 years inclusive shall enter their membership details, name and age in a register kept at the Club for the purpose. Such register shall be available for inspection at the Club by police officers and authorised officers of the licensing authority on request.

Further to this, your new CCTV system is still in breach of your conditions. No one present was able to operate the system and although I was verbally told that it recorded for 30 days, no evidence could be provided to confirm this. The image from the main lounge/bar was still inadequate and there was no facility for recorded footage to be copied to disc. This is a breach of the following condition:

A CCTV system shall be maintained in the licensed premises to the satisfaction of the Licensing Authority and Hampshire Constabulary. As a minimum, it shall enable surveillance of both external and internal areas of the premises including entrances and exits. Recordings from the system shall be of quality acceptable as evidence in a court of law and shall be securely retained at the licensed

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premises for a minimum period of 30 days after recording, and shall be surrendered to Hampshire Constabulary or the Licensing Authority immediately on request.

I would request that you resolve the above issues immediately or cease all licensable activity at the premises. Please update me with your proposed actions.

Yours Sincerely

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

(14)

G90

HAMPSHIRE CONSTABULARY

RESTRICTED

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

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 **Inspector 5421 Trefor Lloyd Hampshire Constabulary**
(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**

(Select as applicable)

Part 1 – Premises or Club Premises details

Postal address of premises or, if none, ordnance survey map reference or description:			
Woolston and District Trades and Labour Club Winchester House Leighton Road			
Post town:	Southampton	**Postcode** *(if known)*:	SO19 7FS

Name of premises licence holder or club holding club premises certificate *(if known)*
Woolston and District Trades and Labour Club

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

Part 2 – Applicant Details

I am

	Select as appropriate
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)*	☐

HAMPSHIRE CONSTABULARY

RESTRICTED

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

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

A Police investigation into an incident which occurred on the 19/11/05 has revealed evidence that a number of persons below the age of eighteen have consumed alcohol at the premises.

The circumstances of this incident has been discussed with the Club Secretary Mr William Naismith. As a result of that meeting a number of measures have been introduced at the Club, including the introduction of Challenge 21 as a policy and
a signing in book for persons between the ages of 13 and 17 years.

The Police acknowledge the introduction of these measures as a positive step by the club however because of access restrictions at premises with club certificates, i.e. to members and their guests, the police are not able to test compliance by test purchase, as with other premises licences.

The conditions that the police would like attached to the Club Certificate are:

1 That any person wishing to purchase or consume alcohol at the premises who appeared to be 21 years or younger, to be challenged by staff to produce identification in the form of their membership card or a passport, photo driving licence or photo 'PASS' card. Should the person fail to produce identification the sale would be refused.

2 That all bar staff be trained on induction, and refreshed twice a year regarding the 'Challenge 21' responsibilities and that this training is recorded, signed by the trainee and is made available to police when requested.

3 That the premises continue to ensure that members who have guests attending who's ages are between thirteen and eighteen years record their membership details and their guests name and age in a register and that this register is available for police inspection on request.

The police would also ask the club for an undertaking that the Steward and at least one of the committee obtain a BII level 2 National Certificate for Personal license Holders.

Should the Club agree to the above the the police would be of the oppinion that a full hearing may not be necessary. Should there be full compliance and no further incidents of a similar nature reported within eighteen months of the hearing, the police will consider a variation to remove the conditions imposed.

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

HAMPSHIRE CONSTABULARY

RESTRICTED

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

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

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

☐ 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: ----------

(15)

Working Sheet

Hampshire Constabulary

Printed: 01/03/2012 16:25 by 24288

Occurrence: **44100406749 Z Prem Licence (Management Occurrence)**

Author:	#24288 HARRIS, J.	*Report time:*	12/02/2012 03:39
Entered by:	#24288 HARRIS, J.	*Entered time:*	12/02/2012 03:39
Remarks:	Visit 10/02/12 - conditions still not be adheared to		

PC LINDLEY and i attended wearing civillian jackets. The entrance door was unlocked and we were able to gain entry into the premises unchallenged. We looked into the main hall which was not busy, but at the same time we did not see any committee members in there and felt it was unlikely we again would not have been challenged had we gone in there.

We chose to go into the bar at the side and walked straight to the bar. I noticed [redacted] (committee member) sat at the back of the room who after a few seconds then came over to question us. I immediately pointed out my concern that there was no one monitoring the door. [redacted] stated the door lock had broken again despite getting it repaired twice recently and they only have 7 committee members (should be 25). Without criticising [redacted] too heavily as it always seems as though she has the responsibility isof monitoring who is coming in.

CCTV was checked. It is a basic hard drive system although the images have improved from the cameras due to the upgrade. They said it would record for 30 days although no one again seemed to be able to operate it and footage could not be downloaded to disk. They said they could download to usb although did not have one. I was told that they were purchasing a dvd recorder and should have this anyday. The new system had been installed 3 weeks ago i was told.

I asked to see the signing in book. There were a few guest entries and appeared to be filled in adequately. I checked the 13-18 year olds book and although appeared to be up to date, there was nothing in there for this evening and yet i spotted a young male around 13 years old. [redacted] spoke with the childs mother and this was confirmed. I heard the mother mention that no one was on the door and she did not know where the signing in book was.(this was behind the bar)

Part B was now on display. I asked about part a and went over the conditions again. [redacted] said she had not seen these conditions and was not aware of them. (This is what i have been flagging up to the committee at meetings so there is no excuse)

WITNESS STATEMENT

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

URN

Statement of: Constable 24288 J HARRIS

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Police Officer

This statement (consisting of 2 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:..... (witness) Date: 20/02/2012

I am PC 24288 Harris, employed by Hampshire constabulary and currently stationed at Southampton police station.

For the last 16 months, I have been in the role of Licensing officer. As part of my duties, I attended WOOLSTON TRADE AND LABOUR CLUB in LEIGHTON ROAD, SOUTHAMPTON at 19:30 hours on 10th February 2012. I was wearing a civilian jacket and attended with my colleague PC 3942 LINDLEY who was also wearing a civilian jacket. I have had various concerns with WOOLSTON TRADE AND LABOUR CLUB and had numerous meetings with the committee, but the issues have not been addressed. As a result of this, I applied to Southampton City Council for their club premises certificate to be reviewed.

In past meetings with the clubs committee, our concerns were raised regarding the lack of control over the main entrance. There has never been a visible presence on the door whenever I have attended and been able to enter unchallenged. Despite making recommendations to address this concern, on arrival at the premises, the door was unlocked and we were again able to enter unchallenged. PC 3942 LINDLEY and I walked into the main lounge. It was not busy, but we did not see any committee members. We then went into the smaller bar situated to the left of the main entrance and walked straight to the bar. I was aware of a committee member sat at the back of the room who has usually always been present on my previous visits and sat in the same place. After a few seconds, the committee member did approach us to ask who we were although once we identified ourselves, we explained that it was unlikely we would have been challeged if we went into the main lounge.

The committee member advised us that the door lock had broken and despite it being fixed several times, it broke again.

I asked to view the new CCTV system as the previous system did not adhere to the clubs licence conditions. It was a new digital system and the quality of images from the cameras had improved although the camera covering the main lounge was still not acceptable. Further to this, the system had been installed three weeks ago, but there still was not a facility to copy recorded footage to a disk. This is a breach of the clubs conditions.

I asked to see the signing in book for 13-18 year olds and walked into the main lounge where the book was located behind the bar. It did appear to have recent entries although there were no entries for that evening and yet I noticed a young male on the premises. I raised this to the attention of the committee member who promptly went to ask the male how old he was. She returned to say that the male was 13 years old but that he had just arrived. The mother of this young male then walked past us and was asked to sign the book. She commented "NO ONE WAS AT THE DOOR AND I DON'T KNOW WHERE THE BOOK IS". This reiterates police concerns that people are able to just walk in.

Having addressed our concerns with the committee member we then left the premises.

Signature:..... Signature witnessed by: .....

(17)

Working Sheet

Hampshire Constabulary

Printed: 13/03/2012 14:56 by 24288

Occurrence: **44100406749 Z Prem Licence (Management Occurrence)**

Author:	#24288 HARRIS, J.	*Report time:*	18/08/2011 10:04
Entered by:	#24288 HARRIS, J.	*Entered time:*	18/08/2011 10:04
Remarks:	Call rcvd from Jim Naysmith - club sec.		

As above i have spoken with Jim Naysmith and discussed the incident that occurred back in June where a young boy was alleged to have been assaulted by a man. This was investigated by PC BAILEY from AB and he advised the venue could not produce CCTV. I addressed this with Jim and he advised that it was only following this incident he realised there was a problem with the system and the power pack was faulty. Whats more concerning is that the problem has still not been rectified and they are effectively operating without CCTV which is a condition of the club premises certificate.

I fully explained that it was a breach of conditions and it was an offence that i could report him for. Jim then explained that the venue is in serious financial difficulty. It has had in bayliffs, inland revneue and the council in as all are owed money. Jim said they have just paid Inland revenue £67000 to stop them from being closed down. They are currently seeking support from John Denham MP.

I advised as much as i appreciate their situation, i made it clear that they are operating whilst breaching their conditions and if anything was to occur, we may look to take them to review. I discussed what i believed was a faulty CCTV system with PS MARSHMAN about a week ago and was advised to give them a timescale to rectify the problems. I have advised Jim that i would give him 2 weeks as of today to get the system working and in line with the conditions of the licence or i would have to report him for a breach of the conditions. The deadline for this will be 1 September 2011. Jim will contact me before if he is able to obtain a new power pack. He advised this is not a normal powerpack and specific to the system, which is why it has not been resolved already.

(18)

Working Sheet

Hampshire Constabulary

Printed: 13/03/2012 14:45 by 24288

Occurrence: **44100406749 Z Prem Licence (Management Occurrence)**

Author:	#24288 HARRIS, J.	*Report time:*	17/09/2011 21:50
Entered by:	#24288 HARRIS, J.	*Entered time:*	17/09/2011 21:50
Remarks:	Visit to check CCTV		

PC LINDLEY and i attended the premise this evening and initially spoke with an elderly committee member called [redacted]. She was quite anti to start with and said that we should not come in without an appointment. I advised her we were from Licensing and could enter when we want to. In realising who we were, her tone changed and she sat down to speak with us.

I explained the problems with the CCTV and that a working system was part of the licence conditions. She advised the system was now working and recording and explained the lengths they had to go to in order to get it working again. She then said that she did not have access to the system although said that she was in charge as Jim Naysmith (licence holder) was not about. I asked if anyone was able to access the system and she said that they would have to try and get hold of Jim or Angela HAWS who are club secretaries. The conversation went on for a bit and i did say i felt that [redacted] was missing the point in that they were breaching their licence and did not seem to appreciate how serious it was. I asked if she could make contact with Jim or Angela and request they attend the venue.

After a short while, a women who later identified herself as [redacted] (steward) although not on duty came out into the bar area from a room. I heard her swearing something and she did not appear happy before she went back in. [redacted] then asked us into the other room where [redacted] had come from. [redacted] introduced herself as a steward, but was visibily drunk. Slurring her words and unsteady on her feet. She was able to open the cupboard to the CCTV but did not know the access code to it. She then introduced an acting steward called [redacted] and again, he was unable to use the system. I reiterated that it was part of the conditions to supply CCTV upon request and [redacted] said that they are currently unable to do this. There was then a near argument between [redacted] and the drunk Miss [redacted] over who was in charge. [redacted] advised [redacted] was acting steward and was therefore in charge. She also said "I AM THE STEWARD, BUT IM NOT WORKING TONIGHT, IM ON THE PISS". I explained i thought [redacted] was drunk and her reply was worse. She said "WHO CARES, SO WHAT, IM NOT WORKING". I explained it was a concern to us and that whoever was serving her was committing offences. I later explained to [redacted] that it was an offence to have a drunk on a licensed premises and therefore should send [redacted] home. I will ensure that when i am able to view CCTV, I will check if the female was served alcohol after we left at 2030. I know [redacted] was not impressed as i said it reflected really badly on the venue. I added i had some serious concerns and would need to have a meeting with the licence holder.

Whilst at venue, toilets were ion track swabbed. The gents came back with a cocaine hit of 5.34 and the females was also a cocaine hit of only 1.30.

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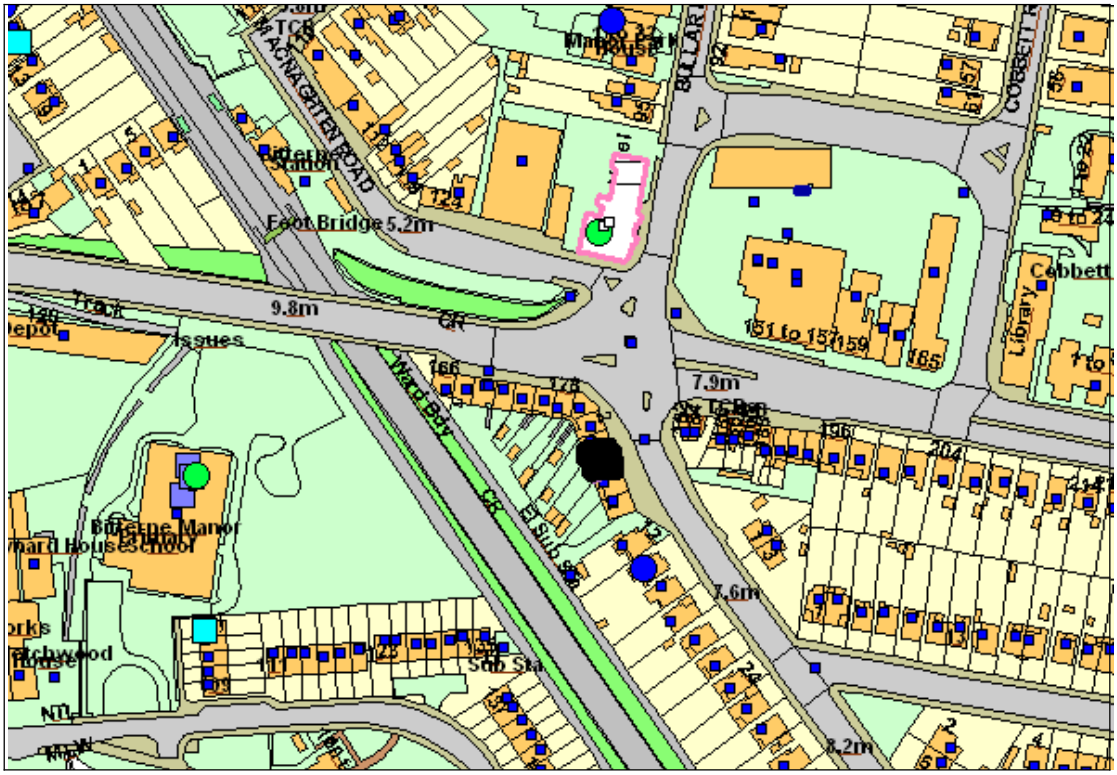
Agenda Item 8

Reference: 2012/00240/01SRAP **Hearing:** **22nd March 2012**

Application for Review of Premises Licence

Premises Name:	George's	Application Date:	3rd February 2012
Premises Address:	6 Athelstan Road Bitterne Southampton SO19 4DD	Application Received Date:	3rd February 2012
		Application Valid Date:	3rd February 2012



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	Yes	
Hampshire Fire And Rescue - Licensing	No response received	
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 of more of the licensing objectives and;
   - (in the case of an application not made by a responsible authority), that the application is frivolous, vexatious or repetitious.

5. The City Council must, within one day of receiving the application for review, display a prescribed notice of the review application on the outside or adjacent the premises; the notice must remain on display for 28 days and any interested party in the vicinity or the responsible authorities may make representations in that period.

6. Unless the applicant, licence holder, interested parties and responsible authorities agree that a hearing is unnecessary, the City Council is then required to hold a hearing to consider the review.

7. The sub-committee, in considering the application for review, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.

8. The Licensing Act 2003 provides that, in determining an application for review, the sub-committee may take any (or none) of the following steps, as it considers necessary:

   - modify the conditions of the licence;
   - exclude a licensable activity from the scope of the licence;
   - remove the designated premises supervisor;
   - suspend the licence for a period not exceeding three months;
   - revoke the licence.

9. The Licensing Act 2003 makes provision for appeal to the Southampton Magistrates' Court against the sub-committee's decision in relation to an application for review.

10. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the sub-committee must makes its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

11. Copies of the application for review and the Police objection are annexed to this report.

12. The sub-committee must also have regard to:-

13. *Crime and Disorder Act 1998*

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

14. *Human Rights Act 1998*

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

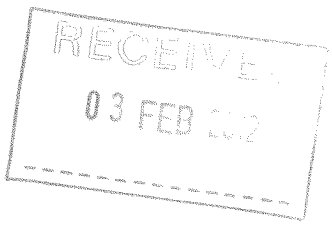
Trading Standards Service
Southampton City Council
Civic Centre
Southampton S014 7LY

Direct dial: 023 8083 4930
Fax: 023 8083 2656
Email: lucas.marshall@southampton.gov.uk

Please ask for: Lucas Marshall
Our ref: 11/01506/TMA
Your ref:

3rd February 2012

Southampton City Council
Licensing Team
PO Box 1344
Southampton
SO15 1WQ



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:

Ozgur Ekinci
Trading as: Georges, 6 Athelstan Road, Southampton SO19 4DD
Premises licence number: 2011/00333/01SRAP

Yours faithfully

Lucas Mars.....
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
Georges
6 Athlestan Road
Bitterne

Post town Southampton **Post code (if known)** SO19 4DD

Name of premises licence holder or club holding club premises certificate (if known)
Ozgur Ekinci

Number of premises licence or club premises certificate (if known
2011/00333/01SRAP

Part 2 - Applicant details
I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises ☐

b) a body representing persons living in the vicinity of the premises ☐

c) a person involved in business in the vicinity of the premises ☐

d) a body representing persons involved in business in the vicinity of the premises ☐

2) a responsible authority (please complete (C) below) ☒

3) a member of the club to which this application relates (please complete (A) below) ☐

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

Please tick

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

Surname | **First names**

I am 18 years old or over **Please tick yes** ☐

Current postal address if different from premises address

Post town **Post Code**

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Lucas Marshall
Trading Standards Service
Southampton City Council
Civic Centre Road
Southampton
SO14 7LY

Telephone number (if any)

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

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

The Prevention of Crime and Disorder
Public safety

In September 2011, a complaint was received from a member of the public, alleging that Jacobs Creek wine which had been purchased from Georges, 6 Athlestan Road, Southampton, was counterfeit. On 16th September 2011 Trading Standards Officers visited the premises and seized 5 bottles of counterfeit Jacobs Creek wine.

Counterfeit Jacob's Creek wine has been infiltrating the market since December 2010. Although the wine is unlikely to be harmful, the quality is poor. The complainant was charged £5.99 for the product, a price you would expect to pay for the genuine product.

On 14th November 2011 Officers returned to the shop and found 2 bottles of Russian Standard vodka. Intelligence regarding Russian Standard had been issued to Trading Standards Services by HMRC, as the product is of a poor quality, it is non-uk duty paid, and some batches had been found to contain high levels of the poison methanol.

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".

For information this premises had previously been subject to a review, on 24th March 2011, regarding counterfeit and non-duty paid alcohol. The licence was suspended on that occasion and conditions were imposed on the licence relating to record keeping of alcohol purchased and prevention of under age sales. During the inspection on 14th November Trading Standards Officers found that the Premises Licence Holder was in

breach of most of those conditions, further details of which are given in this application.

Furthermore Imam Ekinci, the owner of the business which trades as Georges, was also Premises Licence Holder at London Off Licence 2, 27 St Catherines Rd when counterfeit alcohol was found there in July 2010. This premises was subsequently subject to a licence review, the licence was suspended and conditions added.

It is considered that the holder of the premises licence has repeatedy not fufilled his duty under the Licensing Act 2003, to prevent crime and protect public safety. We are therefore applying to revoke the licence.

In the supporting information we give more details and state the reasons for the request of the revocation.

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

On 14th September 2011, Southampton Trading Standards Service received a complaint from a consumer regarding a bottle of Jacobs Creek wine which he had purchased from Georges, 6 Athlestan Road, Southampton: the wine did not taste like Jacobs Creek and there were mispellings on the label.

On 16th September 2011 Fair Trading Officer Claire Hill and Trading Standards Officer Christine Hill visited Georges, 6 Athlestan Road, Bitterne, Southampton SO19 4DD. During the visit Ms Hill examined bottles of Jacobs Creek wine and found 5 bottles bearing labels which mispelt Australia as 'Austrilia'. They suspected that the wine was counterfeit, so seized the bottles.

A Brand Security Manager from Pernod Ricard subsequently conducted an examination of the bottles and made statements to the effect that the bottles bear a copy of the Jacobs Creek registration mark and that they were counterfeit.

On 3rd November 2011, Christine Hill and Claire Hill conducted a recorded interview with Imam Ekinci who is the owner of Georges, and is responsible for running the business. Imam is the father of the Premises Licence Holder, Ozgur Ekinci.

During the interview, Imam stated that these bottles were from stock that he had purchased from the previous owner of Georges. He had owned the shop since April 2010, however the Security Brand Manager for Pernod Ricard has stated in their statement that they had only been aware of counterfeit Jacob's Creek being retailed in th UK since December 2010. It is therefore more likely that these bottles of wine had been purchased by Mr Ekinci since he took over control of the premises.

During interview Mr Ekinci produced invoices and receipts from Bookers, Macro and Bestway, which on examination did not identify any purchase of Jacobs Creek wine.

On 14th November 2011, Lucas Marshall and Claire Hill revisited Georges, 6 Athelstan Rd. Two bottles of Russian Standard Vodka were found. This product had been the subject of an intelligence report issued to Trading Standards Services by HMRC, and some of the product has been found to contain high levels of Methanol, which is poisonous. One of the bottles was sent for analysis. Methanol was not detected at high levels, however it was found to be deficient in alcoholic strength, which is an indication of poor quality ingredients and manufacture: these products are often made from diluted industrial alcohol intended for cleaning use, rather than consumption. Additionally the duty stamp on the bottle did not flouresce, indicating that UK duty had not been paid on it.

This premises has previously been subject to review on 24th March 2011, following sale of counterfeit and non uk duty paid alcohol. Conditions relating to keeping records of alcohol purchased, and prevention of under age sales were imposed on the licence. Mr Marshall questioned Imam Ekinci and a member of staff, Jenny Richardson, regarding the conditions during his visit on 14th November 2011. He found that the majority of the conditions were being breached in the following respects:

'the Premises Licence Holder must be able to identify who supplied alcohol present at the premises and supply written details (including name, address, and telephone number of supplier and date of supply/price paid) to an authorised officer within 24 hours of receiving a request to do so. Delivery notes, invoices, receipts and similar records should be retained for a minimum period of 24 months and made available on request to an authorised officer'.

Imam Ekinci was unable to produce any documentation to evidence the purchase of the counterfeit Jacobs Creek wine or the Russian Standard vodka, claiming that he had inherited this stock from the previous owner of the business.

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

The member of staff Jenny Richardson, who was present during the inspection of 14th November had worked at the store for 3 weeks. She had not been trained to NCPLH, or equivalent, level, and confirmed that she had been selling alcohol unsupervised. During interview Mr Ekinci confirmed that Jenny Richardson had continued to sell alcohol unsupervised following the our visit on 14th November, despite still not having received training to NCPLH level.

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

There were no records of training for Jenny Richardson prior to our visit on 14th November 2011.

'The holder of the premises licence shall keep a written record, namely a refusals book, of those incidents where a person who a member of staff believes to be under the age of 18, and is unable to produce acceptable means of identification proving that they are of 18 years or more, attempts to purchase alcohol and is refused. The record shall include details, in English, of the date, time, a brief description, including estimated age, of the person who attempted to purchase the alcohol, the type of alcohol and the name of the person who refused the sale. Staff shall be trained in the use of the refusals book and it should be kept in a readily accessible place known by all members of staff. The record will be regularly checked by the premises licence holder or the designated premises supervisor to ensure that all staff are completing records and, and this person will sign and date the record as evidence that they have checked it. The refusals book will be available for inspection by Hampshire Constabulary, the Licensing Authority,Trading Standards and other Responsible Authorities on request.'

Jenny Richardson was unaware of the refusals book, had not been trained to use it and had not used it prior to our visit of 14th November. The record had been used infrequently.

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

Imam Ekinci admitted that the CCTV system had not been working for 1 1/2 months prior to our visit on 14th November. He was unable to provide a recording for the

previous 30 days.

On 20th December 2011, Lucas Marshall and Claire Hill interviewed Imam Ekinci. He was unable to produce invoices for the Russian Standard, and once again stated again that 'this was old stock'.

Illegal alcohol has been found at Imam Ekinci's business Georges on 3 occasions. It has also been found at London Off Licence 2, 27 St Catherines Rd, Bitterne, where Imam Ekinci is the Premises Licence Holder. On each occasion Mr Ekinci has claimed that the illegal stock had originated from that which he'd purchased from the previous owner of Georges, when he bought the business in April 2010. This is highly unlikely: as previousy mentioned the brand holders were unaware of counterfeit Jacobs Creek until December 2010. Mr Ekinci admitted that the Russian Standard vodka had not been displayed for sale when Officers conducted checks and seized stock on the 16th September 2011. He claimed that it was old stock which he'd found in a box with Christmas decorations. He claimed to have tested it by drinking some, and had not found any problems so decided to sell it. Products such as cheap vodkas and Jacobs Creek wine are popular lines and it is doubtful whether Mr Ekinci would have stock of these products dating back to April 2010, especially given that the store room at Georges is very small, necessitating frequent restocking. Mr Ekinci has been unable to provide details of stock purchased from the previous occupant. In the unlikely event that Mr Ekinci had inherited the Jacobs Creek and Russian Standard Vodka from the previous owner basic diligence would have been not to sell it, given the past issues that he has had with illegal alcohol which he claims is from the same source. He has been repeatedly advised regarding basic checks that could be conducted on alcohol to ascertain whether it is illegal, such as using an inexpensive ultra violet light to check the duty stamp, but has failed to heed this advice.

Imam Ekinci has repeatedly sold illegal alcohol. In doing so he has shown a complete lack of regard for his customers. Conditions which were imposed on the licence to assist him in the management of the premises have been blatantly ignored. On 30th January 2012 PC 24191 Wood visited the premises and found that the conditions regarding staff training, use of the refusals record and CCTV continued to be ignored (a copy of her letter to the Premises Licence Holder is appended to this Review). I do not believe that further conditions would be complied with or would be effective in the prevention of further such offences. I therefore request that the licence is revoked.

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			
0	9	0	2	2	0	1	1

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

A review has previously been served on Georges, 6 Athelstan Rd, by Southampton City Council Trading Standards, on the grounds of Prevention of Crime, and Public Safety: counterfeit and non-duty paid alcohol had been found on the premises. The review was heard on 24th March 2011, and resulted in a 6 week suspension and the imposition of conditions relating to record keeping of alcohol purchased, and prevention of underage sales.

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 3rd February 2012

.....

Capacity Trading Standard Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Lucas Marshall Trading Standards Service Southampton City Council Civic Centre Road	
Post town Southampton	**Post Code** SO14 7LY
Telephone nu	
If you would p **mail address (**	**mail address your e-** (

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.

SOUTHAMPTON CITY COUNCIL ®

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: **CLAIRE ELIZABETH HILL**

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 JANUARY 2012 Sigr

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

I..... of .....

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

Dated the day of 2012 Signature: .....

A I am the above named person and am employed by Southampton City Council Trading Standards Service as a Fair Trading Officer based at 7 Civic Centre Road, Southampton. On Friday, 16th September 2011 Trading Standards Officer, Christine Hill and I visited Georges, 6 Athelstan Road,
B Bitterne, SO19 4DD, following a complaint made by a member of the public to Consumer Direct alleging sale of counterfeit Jacobs Creek wine. I issued a PACE Code B notice to Imam Ekinci, the Premises Licence Holder, and seized ten bottles of Gallo white wine, exhibit CEH1, and three bottles of Jacobs
C Creek Shiraz and two bottles of Jacobs Creek Chardonnay wine, exhibit CEH2. I cautioned Imam Ekinci, the shop owner, and asked him where he had bought these bottles of wine from, to which he replied that he gets his stock from the wholesalers Bookers, Makro, Bestway and Eastleigh Cash'n'Carry, and that
D some of his stock was in the shop when he bought the business a year ago. The bottles of Jacobs Creek wine were subsequently confirmed as being counterfeit by Jodie McCombie the Brand Security Manager for the brand holder, Pernod Richard. The Gallo wine was found to be genuine and was restored to
E Imam Ekinci. On Thursday, 3rd November 2011 I conducted a PACE Code C audibly recorded interview with Imam Ekinci, which took place in the interview room at Southampton Trading Standards, 7 Civic Centre Road, Southampton. I produce a copy of the interview CD as exhibit CEH3. He was unable to

Signature

INVESTOR IN PEOPLE

PAGE NO: 2 CONTINUATION OF STATEMENT DATED:

BY **CLAIRE ELIZABETH HILL**

A produce any invoices relating to the purchase of the Jacobs Creek wine and once again stated that these bottles of wine were old stock that he had inherited when he'd bought the shop. On Monday, 14th November 2011 Trading Standards Officer, Lucas Marshall and I visited Georges, 6 Athelstan Road, SO19 4DD. I assisted in the examination and seizure of stock. On Tuesday,

B 15th November 2011, I returned with Lucas Marshall to Georges, 6 Athelstan Road, Southampton, to check whether a condition on his licence regarding CCTV had been met. Imam Ekinci stated that there had been problems with the CCTV system for some time and that it was not working properly: as such he was unable to provide Trading Standards with the last

C 30 days footage. On 20th December 2011 Trading Standards Officer, Lucas Marshall and I conducted an audio recorded interview with Imam Ekinci in accordance with Pace Code C. The interview was conducted in the interview room at Trading Standards, 7 Civic Centre Rd, Southampton.

D Signature

E

F

G

ST1(2)HQ

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 three 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: _____ **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.

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: 03714102
2 bottles of Semillon Chardonnay
3 bottles of Shiraz

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: Date: 14/10/2011

Jm/1

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

Sealed this day at my direction

DATE 14 July 2000

INTELLECTUAL PROPERTY OFFICE

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

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

Certified a true copy of
the original document

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

JACOB'S CREEK

The Trade Mark shown above has been registered in Part B *of the Register under No.* 31,184,628 *as of the date* 3rd November 1982
in Class 33 *Schedule IV in respect of* Wines, spirits (beverages) and liqueurs,----------

in the name of S. SMITH & SONS PROPRIETARY LIMITED, Australia(South Australia).

The Trade Marks Registry, Patent Office,

25, Southampton Buildings, London, W.C.2.

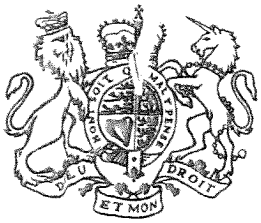
Registration is for 7 years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of 14 years thereafter.
This certificate is not for use in Legal Proceedings or for obtaining Registration abroad.

Sealed at my direction this 6th *day of* February 1985

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.

IVOR DAVIS CB
REGISTRAR.

O. No. 2



TRADE MARKS ACT, 1938

GREAT BRITAIN AND
NORTHERN IRELAND

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

P.R.S. HARTNACK
REGISTRAR

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

Certified a true copy of
the original document

KAThomas 5 6 2010

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

K A Thomas 8.6.10

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

ALISON BRIMELOW, 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

INTELLECTUAL PROPERTY 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

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Jn/3

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

Madrid Agreement
and
Madrid Protocol

24 MAR 2006

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)

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

International registration number:	**0837572**
Date of notification to OHIM:	**23-12-2004**
Name of the Holder:	**Orlando Wyndham Group Pty Ltd**
Trade Mark:	**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

Avenida de Europa, 4 • Apartado de Correos 77 • E - 03080 Alicante • Spain
☎ +34 96 513 9100 • Fax +34 96 513 1344
Internet: http://www.oami.eu.int

SOUTHAMPTON CITY COUNCIL ®

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 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 11 day of JAN 2012 Signature:

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

I..... of .....

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

Dated the day of 2012 Signature: .....

A My name is Lucas Marshall. I am employed by Southampton City Council as a Trading Standards Officer. On 14 November 2011, at approximately 11.05 am, Fair Trading Officer, Claire Hill and I entered Georges, 6 Athelstan Road, Southampton. I introduced myself to the female behind the counter, who B identified herself as Jenny Richardson. She said that the owner of the shop, who she knew as George, was not present. She called him on her phone and said that he would arrive soon. I asked Ms Richardson how long she had worked at Georges. She said that she had been there for 3 weeks. She C confirmed that she does sell alcohol. She said that she had been given training by George regarding the sale of alcohol when she started working at the shop, but had not signed any training records. She had not undertaken training to NCPLH standard. She said that she had been shown how to operate the D CCTV system, but did not know how to retrieve recordings from it. At approximately 11.12 am George, who I know as Imam Ekinci, arrived. I cautioned him and asked to see Ms Richardson's training records. He showed me the refusals records. Ms Richardson said that she was unaware of the refusals records. E I checked the records and found that they had been used infrequently. I took the records, which I produce as Exhibit LM/1. I asked Mr Ekinci again for Ms Richardson's training records. He said that he did not have a training record for her, and confirm that she had not had training to a NCPLH standard.

Signature:

INVESTOR IN PEOPLE

PAGE NO: 2 CONTINUATION OF STATEMENT DATED: 11 JAN 2012

BY: LUCAS MARSHALL

A He confirmed that she does sell alcohol and is left alone, unsupervised, in the shop to do so. I asked Ms Richardson whether she sold alcohol in accordance with a Challenge 25 policy. She said that she did and had been trained regarding this, and appeared to understand the policy. A notice relating to the Challenge 25 policy was displayed behind the counter. I then asked Mr B Ekinci regarding his CCTV system. He said that he did not know how to operate it and could not provide a recording from the system for me. He said that his son, Ozgur Ekinci, would be able to. I asked for a recording, for the past 30 days, to be provided to me by the following day, 15 November 2011. I then searched the premises and found 2 x 70 cl bottles of Russian Standard C vodka, priced at £9.99 per bottle, which I seized. I produce these bottles as Exhibit LM/2. I subsequently identified one of these bottles as food sample number 012160 and submitted it to the Public Analyst for analysis. I had received intelligence via HMRC that this product is illegal. It can be identified because it is labelled 'Made in the heart of Russia – Berlin' and has a Diageo D duty stamp number, despite not being produced by Diageo. It has also been reported to contain dangerously high levels of methanol. Fortunately the bottle I sampled and submitted for analysis was not found to contain high levels of methanol, though the alcohol level was lower than declared, indicating its poor quality. I produce the Certificate of Analysis as Exhibit LM/4. I E asked Imam where he got the vodka from. He replied that he did not know. I asked to see his invoices, which he showed to me. A product called Russian Standard was identified in a receipt from Eastleigh Cash and Carry, which I produce as Exhibit LM/3, however I believe that this relates to a genuine, premium product which is also called Russian Standard which Mr Ekinci F had a bottle of on his shelves. Eastleigh Cash & Carry's wholesale price for this product was £12.71 and Mr Ekinci's retail price was £16.99. On 15 November, at approximately 14.10 pm, I returned to Georges with Fair Trading Officer, Claire Hill. Jenny Richardson was serving behind the counter. I asked regarding the CCTV system and she told me that George had told her that G the system did not work properly. She phoned Mr Ekinci and he arrived at the shop at 14.17 pm.

ST1(2)HQ Signature: .

NO ID NO SALE!

REFUSALS REGISTER

If a customer fails to produce valid photo-ID which confirms his or her age, the sale should be REFUSED and recorded in this Refusals Register, after the customer has left the premises.

The Register should be kept in a safe place out of sight of the customer.

The sale should be REFUSED if the customer is unable to prove he or she is:

16 or older if the product is LOTTERY.

18 or older if the product is TOBACCO or ALCOHOL or FIREWORK or SOLVENT.

All staff should know where this Refusals Register is kept, and should write an entry whenever an age-related sale is REFUSED.

If staff sell an age-restricted product to under 16s (lottery) or to under 18s (tobacco/alcohol/fireworks/ solvents) both manager and staff are liable to conviction and a fine and/or prison.

The manager will sign off and date each page of this register, which will be kept in a safe place away from customers. The Register may need to be produced in the event that local authority enforcement officers undertake test purchases or other enforcement activity, or if the law threatens action against the premises' manager and staff.

AGES VALID FROM 1ST OCTOBER 2007

NO ID NO SALE!

REFUSALS REGISTER

	Date	Product	Time	Name of Person or Description	Ol[illegible]s	Staff Member
54	16/02/2011	Siganet -	13.45	Girls. Look like. 19. years Yelow hair Sport - weark		
55	27/02/2011	Siganet.	21.05	Boys. Blk ✓ Hair. sp. wear.		
56	[illegible]	[illegible]	[illegible]	[illegible]		
57	[illegible]	[illegible]	[illegible]	[illegible]		
58	25/3/11	Tobacco	14:40	lad, Stocky, brown hair		
59	30/3/11	Alcohol.	10.45	College-boy Dark hair.	NO ID but says he knows owner so no sale.	
60	18/4/11	Alcohol + Ciggerette.	9.45	Young girl yellow glasses blonde hair	NO I.D	
61						
62						

MANAGER'S SIGNATURE_____ **DATE:**_____

PHONE 0870 240 1221 FOR FURTHER COPIES OF REGISTER

NO ID NO SALE!

REFUSALS REGISTER

	Date	Product	Time	Name of Person or Description	Observations	Staff Member
	Example: 23/05/07	Cigarettes	7.10pm	Male 14 years? Blonde, 5ft 11"	Nervous and refusing to show ID	Alan Smith
1	28-01-2014	Cigarettes.	9.44	male 16. Years. white Comp. Hori.		
2	25-02-11	Alcol.	9.15	Boy. 17. years white clur. sport. wear.		
3	14-11-11	TRADING	STANDARDS			MPTON
4						
5						
6						
7						
8						

MANAGER'S SIGNATURE _____ **DATE:** _____

NO ID NO SALE!

REFUSALS REGISTER

	Date	Product	Time	Name of Person or Description	Observations	Staff Member
	23-08-11	Signed.	11.49.	167cm. Bland. Half.		Theresa.
54						
55						
56						
57						
58						
59						
60						
61						
62						

MANAGER'S SIGNATURE _____ DATE: _____

LM/3

EASTLEIGH CASH AND CARRY LTD.
6a Barton Park Industrial Estate, Chickenhall Lane
Eastleigh S050 6RR
Telephone: 02380 612224 Fax: 02380 612224

V.A.T. No. 938 8939 47

Specialist Suppliers of Soft Drinks, Beers, Wines Spirits and Confectionery

Page 1

Customer

GEORGES OFF LICENCE
6 ATHRESTAN ROAD
SOUTHAMPTONSO19 4DD

Date	20/08/11
Invoice No.	2063

GOODS WITHOUT ENGLISH INGREDIENTS SHOULD BE LABELLED ACCORDINGLY BEFORE SALE.

Qty.	Description	Price	Nett	VAT	Total
2	RUSSIAN STANDARD 70CL	10.59	21.18	4.24	25.42
1	GUINNESS FOREIGN EXTRA 24X330ML	19.99	19.99	4.00	23.99
1	SCRUMPY JACK CIDER	16.49	16.49	3.30	19.79
1	BLACK SHEEP NRB 8*500ML	9.99	9.99	2.00	11.99
1	KOPPARBERG NRB 15*500ML	17.99	17.99	3.60	21.59
1	CRUNK JUICE 12X1PNT FRUIT PUNCH	39.99	39.99	8.00	47.99
1	CRUNK JUICE 12X1PNT WATERMELON	39.99	39.99	8.00	47.99
1	GUINNESS ORIGINAL 24*500ML	10.99	10.99	2.20	13.19

No. of Items: 9 Item(s)

PAID

ALL GOODS RECEIVED IN GOOD CONDITION: ..... Signed ..... Print ..... Date

Thank you for your valued custom

VAT 1 Sales 176.61	NET TOTAL	176.61
	@20.00%	35.32
	TOTAL	211.93

This invoice must be presented against any queries or returns. Title of goods will not transfer until they have been paid for in full Should the goods have been delivered damaged/short the receipt MUST be signed accordingly otherwise no claim can be accepted. The goods once sold are not returnable unless agreed. Pallets must be returned or a charge will be made. E. & O.E.

LM/4

Hampshire County Council

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

FOOD SAFETY ACT 1990

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

To: Lucas Marshall Southampton City Council, Civic Centre, Southampton, Hampshire, SO14 7LY

I, the undersigned, Public Analyst for Southampton City Council, certify that on 14/11/2011 the sample marked:

Date sample taken	Reference number, description etc.	Weight/measure
14/11/2011	012160	700ml
11:17	RUSSIAN STANDARD VODKA 37.5%	

Place of Sampling: GEORGES, 6 ATHELSTAN 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	:	34.7
Methanol g/100L alc	:	< 0.10

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 2.4% 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 2.1% volume less than the minimum permitted.

28 November 2011
Lab ref: 172445

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. Under ultraviolet light the central section of every duty stamp should fluoresce yellow.

The duty stamp on the sample bottle did not fluoresce.

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

Certified by me this 28th day of November 2011, at Southsea

Signature:

Name: SHAYNE DYER
PUBLIC ANALYST

Official address/Telephone No: As Letterhead

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

RECEIVED 02 DEC 2011

Hampshire Constabulary
Chief Constable Alex Marshall

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

Mr Ozgar Ekinci
27 St Catherines Road
Southampton
Hampshire
SO18 1LL

Telephone: 0845 045 45 45
Direct dial: 023 8067 4768
Fax No: 0845660037
Deaf/speech impaired minicom: 01962 875000
Email: southampton.licensing@hampshire.pnn.police.uk

Our ref: 44090025965
Your ref:

30th January 2012

Dear Mr Ekinci,

This letter is in reference to a licensing visit made at George's Off Licence, 6 Athelstan Road, Southampton on 30th January 2012. During the visit numerous breaches of your licence were identified. As you were not present it was not possible to discuss these with you at the time. I have outlined the breaches below and request that you make contact with the Licensing Team at your earliest convenience in order to discuss these.

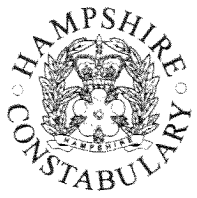
1. A copy of the premises licence summary was not on display. This is an offence under S57(4) of the Licensing Act 2003.

2. There was one member of staff present at the store, Jennifer Richardson. Jennifer has not been trained to NCPLH standard and does not hold a personal licence but was alone in the store. This is a clear breach of the condition within your licence which reads "All staff will be trained to NCPLH level. All sales of alcohol must be directly supervised and authorised by a Personal Licence Holder until such staff have achieved training to NCPLH level".

3. The refusals log contains very few entries, dating from 19th November 2011 to 2nd January 2012. There had been no refusals either made, or logged, since that date, nearly a month ago. There was no record of the log having been checked during this time. The licence condition states "The record will be regularly checked by the premises licence holder or the designated premises supervisor to ensure that all staff are completing records, and this person will sign and date the record as evidence that they have checked it". This has not been completed and is therefore a breach of the licence condition.

4. On visiting the premises I requested to view CCTV. I was advised by the only member of staff present that she had not been trained in using the CCTV system and was unable to show me footage. This is again a breach of the condition on your licence in relation to CCTV, which states that CCTV should be surrendered "immediately" on request, and that "the Premises Licence Holder and staff must be capable of operating the CCTV system".

Hampshire & IOW CRIMESTOPPERS 0800 555 111 Call anonymously with information about crime



Hampshire Constabulary
Chief Constable Alex Marshall

These breaches of your licence are serious and I will be informing other relevant authorities. It is especially concerning that even following review of the licence in 2011 breaches are still occurring.

Southampton Police are firmly committed to working with the licensees in supporting the four licensing objectives i.e. –

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

The conditions added to your licence following review are designed to assist you in supporting these objectives. Failure to adhere to the licence conditions therefore suggests that you are not fully supporting the objectives.

Please contact me to discuss these breaches as soon as possible.

Yours Sincerely,

PC 24191 WOOD
Violent Crime Reduction & Licensing Team
Southampton Central Police Station

Hampshire & IOW
CRIMESTOPPERS
0800 555 111
Call anonymously with information about crime

Hampshire Constabulary
Chief Constable Alex Marshall

Southampton Central Police Station
Southern Road
Southampton
Hampshire
SO15 1AN

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

Telephone: 0845 045 45 45
Direct dial: (
Fax No:
Deaf/speech impaired minicom: 01962 875000
Email: southampton.licensing@hampshire.pnn.police.uk

20th February 2012

Dear Sir,

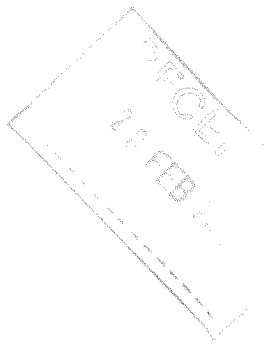
On behalf of Hampshire Constabulary, I submit the following review document in support of the recent application made by Trading Standards in relation to Georges Off Licence, 6 Athelstan Road, Southampton.

As a licensee under the Licensing Act 2003 the Premises Licence Holder and Designated Premises Supervisor 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 in breaching several conditions of the premises licence they have failed to promote the licensing objectives of prevention of crime and disorder, public safety, and the protection of children from harm. As a result I submit this supporting application. I enclose the evidence for your records.

Yours faithfully,



PC 24191 WOOD
Violent Crime & Licensing Department
Southampton Central Police Station

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 24191 Bethan Wood, on behalf of the Chief Officer of Hampshire Constabulary,
(Insert name of applicant)

☒ Apply for the review of a premises licence.

☐ Apply for the review of a club premises certificate.

(Select as applicable)

Premises or Club Premises details

Postal address of premises:	Georges, 6 Athelstan Road, Southampton
Postcode *(if known)*:	SO19 4DD

Name of premises licence holder or club holding club premises certificate *(if known)* Ozgur Ekinci

Number of premises licence or club premises certificate *(if known)* 2011/00333/01SRAP

Details of responsible authority applicant

Mr ☐ Mrs ☐ Miss ☐ Ms ☐		Other title / Rank:	Police Constable
Surname: Wood		First Names:	Bethan
Current postal address :	Southampton Central Police Station Southern Road Southampton		
Postcode:	SO15 1AN		
Daytime telephone number:	02380 674768		
E-mail address: *(optional)*	bethan.wood@hampshire.pnn.police.uk		

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

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 I am writing to support a review made by Trading Standards of the above Premises Licence. The review is supported on the following grounds:

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

The police support the application made by trading standards to revoke the above premises licence (Annex D) based on a recent visit to the premises during which numerous breaches of the premises licence have been identified.

The police are aware that following review of the premises licence in March 2011 due to identification of counterfeit and non uk duty paid alcohol being served, conditions were added to the licence in order to ensure that the same incidents did not occur again, and to assist the DPS in supporting the licensing objectives. In a visit made to the premises on 30th January 2012 although the DPS was not present it was found that there were numerous breaches of the licence (Annex A). As a direct result of there being breaches of the premises licence conditions it is deemed that every sale of alcohol taking place at the premises is unauthorised. Each one of these breaches also constitutes a lack of support of the licensing objectives as outlined below:

1. The only member of staff at the store was not trained to NCPLH level and did not hold a personal licence. Although no sale of alcohol was witnessed, the member of staff present was fully expecting to be able to make sales of alcohol and was not aware that she should not be making those sales.

Conducting appropriate staff training, especially in due diligence, is an excellent and effective way of ensuring that underage sales aren't made, that drunkenness is recognised and sales consequently refused, and that staff are aware of the Licensing Act 2003 and how this affects them.

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

Ensuring adequate training, and having an age verification policy in place in order to prevent sales of alcohol to under age persons supports the licensing objectives of prevention of crime and disorder, and protection of children from harm.

2. The refusals log was not being used regularly and had not been checked by the premises licence holder or designated premises supervisor. This is contrary to the condition which states that "the record will be regularly checked by the premises licence holder or the designated premises supervisor to ensure that all staff are completing records, and this person will sign and date the record as evidence that they have checked it".

Recording refusals provides evidence to both licensing authorities and management that they do occur. In this instance the DPS had an unqualified member of staff, working unsupervised. The earliest entry available to view in the refusals book was dated 19th November and there was no record of the DPS having checked the book at all since then.

3. The only member of staff present at the premises had not received training to operate the CCTV system and could not provide any footage on request. This is again contrary to the condition on the premises licence which states that CCTV should be surrendered "immediately" on request, and that "the Premises Licence Holder and staff must be capable of operating the CCTV system".

CCTV forms a key part of any criminal police investigation. Failure to adhere to the condition in relation to CCTV demonstrates a lack of support for the licensing objective of prevention of crime and disorder.

Further to the above breaches it was also noted that the premises licence summary was not on display, which is an offence contrary to S57(4) of Licensing Act 2003. A copy of the premises licence can be located at Annex B and a copy of the letter sent at Annex A.

Although there have been no incidents specifically linked to George's Off Licence, the need to support the licensing objectives and adhere to conditions of a licence does not alter. These matters were brought to the attention of the DPS, Ozgar Ekinci via letter sent on the day of the visit (Annex A). Contact details were left at the premises at the time of the visit, and it was requested that he make contact to discuss these matters as soon as possible. Further telephone messages have also been left for him, and two weeks later there has been no response.

In conclusion, there have been numerous breaches of the premises licence conditions, and as a result, any sale of alcohol made whilst the breaches were occurring will have been unauthorised. Therefore, the police fully support the application made by Trading Standards and would concur that with the evidence set out, this should be with a view to revocation.

Have you made an applic nises before: ☐Yes | ☒No

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

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

APPLICATION MADE BY TRADING STANDARDS MARCH 2011

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

Signature of Officer Completing

Name PC Bethan WOOD Collar Number: 24191

Signature: Date: 13th February 2012

Signature of Authorising Officer (Inspector or above)

Name John McGonigle Collar Number: 1399

Signature: Date: 20/02/12.

APPENDICES INDEX

Annex A

1. Letter to Designated Premises Supervisor

Annex B

1. Premises Licence – George's Off Licence

Annex C

1. Statement of PC 24191 WOOD

Annex D

1. Trading Standards Review Letter
2. Review Summary
3. Statement Elizabeth Hill
4. Statement Jodie McCombie
5. Copy of exhibit JM/1
6. Copy of Exhibit JM/2
7. Copy of Exhibit JM/3
8. Statement Lucas Marshall
9. Copy of Exhibit LM/1
10. Copy of Exhibit LM/3
11. Copy of Exhibit LM/4
12. CD-R Exhibit LM/5
13. CD-R Exhibit CEG/3

Annex E

1. Extract from 2004 Offending, Crime and Justice Survey

Annex A

1. Letter to Designated Premises Supervisor

(A)

Hampshire Constabulary
Chief Constable Alex Marshall

Mr Ozgar Ekinci
27 St Catherines Road
Southampton
Hampshire
SO18 1LL

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

Our ref: 44090025965
Your ref:

Deaf/speech impair
Email: southampton.licensing@hampshire.pnn.police.uk

30th January 2012

Dear Mr Ekinci,

This letter is in reference to a licensing visit made at George's Off Licence, 6 Athelstan Road, Southampton on 30th January 2012. During the visit numerous breaches of your licence were identified. As you were not present it was not possible to discuss these with you at the time. I have outlined the breaches below and request that you make contact with the Licensing Team at your earliest convenience in order to discuss these.

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Hampshire & IOW CRIMESTOPPERS 0800 555 111 Call anonymously with information about crime

Hampshire Constabulary
Chief Constable Alex Marshall

These breaches of your licence are serious and I will be informing other relevant authorities. It is especially concerning that even following review of the licence in 2011 breaches are still occurring.

Southampton Police are firmly committed to working with the licensees in supporting the four licensing objectives i.e. –

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

The conditions added to your licence following review are designed to assist you in supporting these objectives. Failure to adhere to the licence conditions therefore suggests that you are not fully supporting the objectives.

Please contact me to discuss these breaches as soon as possible.

Yours Sincerely,

PC 24191 WOOD
Violent Crime Reduction & Licensing Team
Southampton Central Police Station

Annex B

1. Premises Licence – George's Off Licence

Schedule 12
Part A
Premises Licence

Regulation 33,34

Premises licence number	2011/00333/01SRAP

Part 1 – Premises details

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

George's
6 Athelstan Road
Bitterne
Southampton
SO19 4DD

Telephone number 023 8063 1913

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Supply by retail of alcohol

Monday	11:00 - 21:30
Tuesday	11:00 - 21:30
Wednesday	11:00 - 21:30
Thursday	11:00 - 21:30
Friday	11:00 - 22:00
Saturday	11:00 - 22:00
Sunday	12:00 - 21:30

The opening hours of the premises

Monday	11:00 - 21:30
Tuesday	11:00 - 21:30
Wednesday	11:00 - 21:30
Thursday	11:00 - 21:30
Friday	11:00 - 22:00
Saturday	11:00 - 22:00
Sunday	12:00 - 21:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Ozgar Ekinci
27 St Catherines Road
Southampton
Hampshire
SO18 1LL

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

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

Ozgar Ekinci
27 St Catherines Road
Southampton
SO18 1LL

Daytime Telephone Number 023 8063 1913

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

Licence Number: 008029
Licensing Authority: Havering Council

This premises licence is issued by Southampton City Council as licensing authority under part 3 of the Licensing Act 2003 and regulations made thereunder

Dated this 25th day of May 2011

Head of Legal & Democratic Services

Licensing – Southampton City Council
PO Box 1344
Southampton
SO15 1WQ

Annex 1 – Mandatory Conditions

1 No supply of alcohol shall be made under the premises licence:

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.

2 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

3 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the operating Schedule

1 EMBEDDED CONDITIONS FROM CHILDREN AND YOUNG PERSONS ACT 1933

It is a condition of your licence that you comply with the extant provisions of the Children and Young Persons Act 1933, as amended.

Annex 3 – Conditions attached after a hearing by the licensing authority

1 The Premises Licence Holder must be able to identify who supplied alcohol present at the premises and supply written details (including name,address,and telephone number of supplier and date of supply/price paid) to an authorised officer within 24 hours of receiving a request to do so. Delivery notes, invoices, receipts and similar records should be retained for a minimum period of 24 months and made available on request to an authorised officer.

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

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

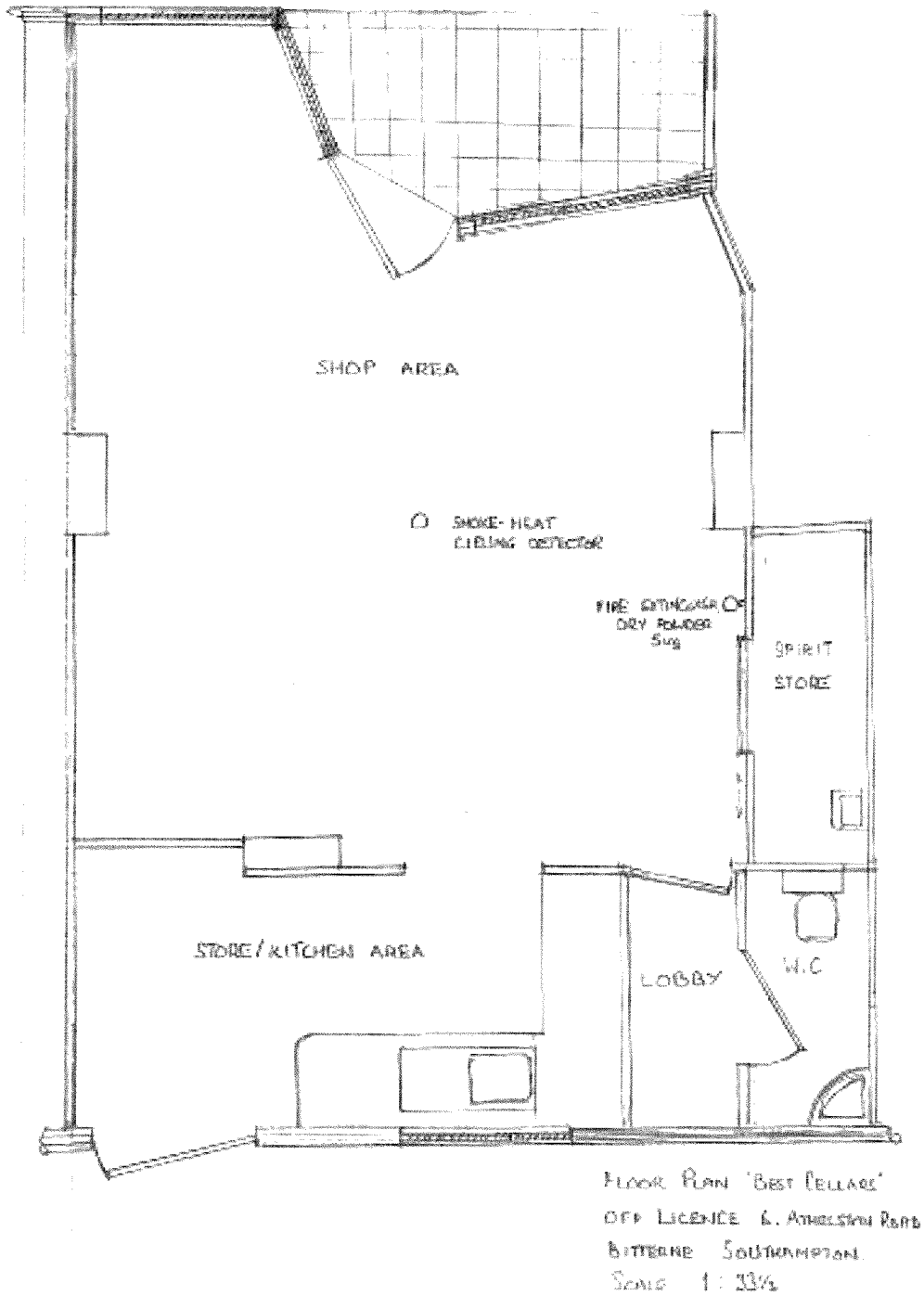
That staff must be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18 and records are kept of such training, which are signed and dated by the member of staff who has received the training. Staff will receive refresher training every six months as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

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

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

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

Annex 4 – Plan



Plan not reproduced to scale.

Annex C

1. Statement of PC 24191 WOOD

WITNESS STATEMENT

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

Statement of: PC 24191 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: (witness) Date: 17th February 2011

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

I am PC 24191 Bethan Wood of Hampshire Constabulary currently stationed with the Licensing Team at Southampton Central Police Station. This statement is in relation to my attendance at GEORGE'S OFF-LICENCE, 6 ATHELSTAN ROAD, SOUTHAMPTON and my subsequent contact with the premises.

On 30th January 2012 at 1400hrs I attended GEORGE'S OFF-LICENCE to conduct a licensing visit. On returning to the police station I wrote a letter to the Designated Premises Supervisor Ozgar EKINCI detailing my findings. I produce a copy of this letter as evidence bearing exhibit reference BW/OE/01. The letter requests that Mr EKINCI contacts me as soon as possible to discuss the findings.

ollowing this meeting I have left three voicemail messages for Mr EKINCI on his mobile number which is listed on Hampshire Constabulary Records Management System as 07590118077. Also shown on the records is a crime reported by Mr EKINCI using this telephone number on the 15th February 2012.

I can confirm that I have had no contact from Mr EKINCI in order to discuss the licensed premises.

Sign .....

Not Disclosable

Witness contact details

Home Address: **Southampton Central Police Station**

Home Telephone No: Work Telephone No:

Mobile / Pager No: Email address:

Preferred means of contact *(specify details)*:

Best time of contact *(specify details)*:

Gender: Date and Place of Birth:

Former name: Ethnicity Code: Religion / Belief:

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 ☐

Signature of witnes PRINT NAME PC 24191 WOOD

Signature of parent appropriate adult: PRINT NAME

Address and telephone number if different from above:

Statement taken by: Station:

Time and place statement taken:

Annex D

1. Trading Standards Review Letter
2. Review Summary
3. Statement Elizabeth Hill
4. Statement Jodie McCombie
5. Copy of exhibit JM/1
6. Copy of Exhibit JM/2
7. Copy of Exhibit JM/3
8. Statement Lucas Marshall
9. Copy of Exhibit LM/1
10. Copy of Exhibit LM/3
11. Copy of Exhibit LM/4
12. CD-R Exhibit LM/5
13. CD-R Exhibit CEG/3

Hampshire Constabulary

Chief Constable Alex Marshall QPM

Southampton Central
Police Station
Southern Road
Southampton
Hampshire

SO15 1AN

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

Telephone: 101

Email: betha

Our ref: 44120078523
Your ref:

February 29, 2012

Dear Sir,

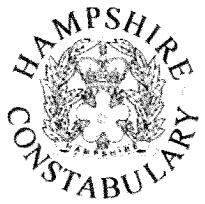
Hampshire Constabulary recently made representations in support of a request made by Trading Standards to review the premises licence for George's Off-Licence, 6 Athelstan Road. Since the time of the original representation further incidents have occurred at the premises and it is requested that these be considered at the review hearing.

On Saturday 25th February 2012 a test purchase operation was conducted at the premises. During this operation a police officer witnessed the shop assistant selling alcohol to a male who was drunk. This demonstrates a lack of support for the licensing objectives of public safety, prevention of crime and disorder, and prevention of public nuisance. The officer took action to prevent the test purchaser meeting the drunk male at the till area, fearing for their safety. When the test purchaser did approach the till they were asked for identification and then refused the sale. However, a short while later, a second test purchaser entered the store. This time they were sold a bottle of Bacardi Breezer. This offence shows further lack of support of the licensing objectives and also breaches of the premises licence conditions. The shop assistant was issued with a fixed penalty notice in relation to this. The refusals log was checked at the time, and I can confirm that there had been only one entry made since the time of my last visit on 30th January 2012. No record had been made of the refusal observed by the initial attending officer.

Further to the above, part B of the premises licence was not on display at the premises, and the shop assistant, who was the only person working at the premises could not operate the CCTV system in order to produce footage of the incident. Police were advised by the assistant that the DPS does not work at the premises as he works at another premises in St Catherines Road, Southampton. These continued breaches of the premises licence, and information that the DPS is not in day to day control of the premises cause police to have serious doubt over the premises support of the licensing objectives. This adds further weight to the request of Trading Standards that the review of the licence be with a view to revocation of the premises licence.

HAMPSHIRE CONSTABULARY 101 IN AN EMERGENCY ALWAYS CALL 999

Hampshire & IOW CRIME



Hampshire Constabulary

Chief Constable Alex Marshall QPM

I attach for your information copies of the statements in relation to these incidents. Unfortunately I have been advised by the DPS on speaking to him on the telephone on 29th February, that they are unable to download any CCTV footage to disc, constituting a further breach of the premises licence.

Yours Sincerely

Bethan Wood
PC 24191

WITNESS STATEMENT

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

URN

Statement of: Constable 3855 S BLANDFORD

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Police Officer

1This 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.

Signature: ..... (witness) Date: 25/02/2012

I am PC 3855 Stephen Blandford of the Hampshire Constabulary currently based at Portswood Police Station.

On Saturday the 25th of February 2012 I was on duty in plain cloths as part of a Licenseing test purchase operation conducted in Southampton at licensed premises ion company with PC 20920 Prior, PC 24191 Wood, PC 23504 Hercock and SC 94449 Hoolahan.

At 22.10hrs I attended Georges off license on Athelstan Road in Bitterne my role was to ensure the safety of the 17 year old female who was to attempt to purchase alcohol and to observe any offences for the purpose of gathering evidence in relation to these offences.

I entered the store a short time before the female test purchaser entered, the store is small it was not at all difficult for me to both see and hear the exchanges between the female test purchaser and the store employee. I saw the female test purchaser enter the store, go to the counter and speak to the employee who was behind the till. The female test purchaser had a 70cl bottle of orange Bacardi Breezer, the store employee made no attempt to challenge the female test purchaser about her age and completed the sale of the product to the test purchaser receiving money as payment and allowing the female test purchaser to exit the store with the alcohol. The only verbal exchange made between the employee and the female test purchaser was "Would you like a bag" to which the reply came "yes please"

The female test purchaser left the store, where I remained and a short time later PC Wood and PC Prior entered. I spoke with both officers and pointed out to them the employee who had sold the alcohol to the female test purchaser.

The store employee was old I would say he was around 60 years of age, he was white and appeared to be of eastern European origin, he was shorted than me about 5'8" in height with a slightly bigger than proportionate build, the male wore a dark jacket with a lighter coloured scarf round his neck and I did not see any other employee in the store.

Signa Signature witnessed by: .....

WITNESS STATEMENT

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

URN

Statement of: Constable 23504 K HERCOCK

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Police Officer

1This 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:..... (witness) Date: 28/02/2012

I am PC 23504 Kevin Hercock, of Hampshire Constabulary currently based at Winchester Police Station in Hampshire.

On Saturday 25th February 2012, I was on duty in plain clothes working on a Test Purchase operation in the Southampton area.

At 1800hours I attended a briefing at Southampton Police Station, with PC Blandford, PC Prior, PC Wood and SC Hoolahan. Also at the briefing were two members of the public that had been chosen to assist as the test purchasers, these were identified to me as a 16YO boy and a 17YO girl. I would describe both as looking younger than 18.

At 2200hours, I attended Georges Off Licence, Athleston Road, Bitterne, Southampton. The store is a small off licence near to Bitterne train station. As I approached the shop there was a white adult male in front of me. The male was unsteady on his feet. Once in the shop the male was stumbling around and bumped in to me on at least two occasions. The male smelt of alcohol, on his clothing and from his breath. The males pupils were dilated. The male entered into a brief conversation with me and his speech was slurred.

The male was in my opinion drunk, this caused me concern as I was aware a test purchaser was about to enter the shop, so I moved around the shop to ensure that they did not meet at the till. I was expecting the adult male to be refused because he was drunk and that he may have become aggressive.

The male however was served, with a four pack of pint sized lager cans and a quarter bottle of vodka.

The test purchaser was refused as he did not have identification.

I then left the shop and I had no further dealings with this investigation.

Signature:..... Signature witnessed by: .....

WITNESS STATEMENT

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

URN

Statement of: Constable 24191 B WOOD

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Police Officer

1This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I m[illegible] ence, I shall be liable to prosecution if I have wilfully stated in it an[illegible] lieve to be true.

Signat[illegible] ..... (witness) Date: 29/02/2012

I am PC 24191 Bethan Wood of Hampshire Constabulary currently stationed with the Licensing Team at Southampton Central Police Station. I am making this statement in relation to a test purchase operation conducted on Saturday 25th February 2012.

The two test purchasers on this date were aged 16 and 17 years old, and I was in company with PC 20920 PRIOR throughout the operation.

Section 149 and 153 of the Licensing Act 2003 allows for the test purchaser to buy alcohol without committing an offence and for us to direct them to buy alcohol without an offence being committed.

The operation involved three plain clothes officers, PC 23504 HERCOCK, PC 3855 BLANDFORD and SC 94449 HOOLAHAN. Their role in the operation was to monitor the test purchaser at all times, to ensure their safety and give evidence in relation to any offences committed.

At around 2200hrs I directed PC HERCOCK and one of the test purchasers into George's Off Licence, 6 Athelstan Road, Southampton. It was suggested that PC HERCOCK browse in the store and observe whilst the test purchaser attempt to purchase alcohol. About ten minutes later the test purchaser returned to our location in company with SC HOOLAHAN. At that stage PC PRIOR received a phone call from PC HERCOCK advising that he had witnessed the male attendant sell alcohol to a male who was drunk. He advised that he felt the test purchaser was refused the sale owing to the behaviour of the male in the store, and recommended that the second test purchaser attend.

At 2210hrs PC BLANDFORD and the second test purchaser attended the premises. A short while later the test purchaser and PC HERCOCK returned to our location with a bottle of Orange Bacardi Breezer which had been sold.

PC PRIOR and myself attended the store and spoke with the store attendant who identified himself as Imam EKINCI (01/04/62). I explained that he had just failed a test purchase operation and at 2235hrs reported the male for the offence of selling alcohol to a person under the age of 18 yrs contrary to S146(1) Licensing Act 2003, and cautioned him, to which he made no reply. EKINCI accepted a fixed penalty notice in relation to the matter (20279620).

I then asked EKINCI if he could produce a copy of CCTV for me. He advised that he was unable to do this.

Whilst at the premises I could not see a copy of Part B of the premises licence on display, and observed that there had been only one entry in the refusals log since my last visit on 30th January 2012. There was no entry in the refusals log for the first test purchaser who was refused service.

Signa .... Signature witnessed by: .....

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