

Licensing (Licensing and Gambling) Sub-Committee

Thursday, 5th April, 2012
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public
Members

Councillor Cunio
Councillor Parnell
Councillor Thomas

Contacts

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

Head of Legal, HR and Democratic Services
Richard Ivory
Tel. 023 8083 2794
Email: richard.ivory@southampton.gov.uk

PUBLIC INFORMATION

Terms of Reference

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

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

Relevant Representations

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

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

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

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

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

Southampton City Council's Seven Priorities

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

Smoking policy

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

Mobile Telephones –

Please turn off your mobile telephone whilst in the meeting.

Fire Procedure –

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

Access –

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

Dates of Potential Meetings: Municipal Year 2011/12

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

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum 3

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

Disclosure of Interests

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

Personal Interests

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

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

A Member must disclose a personal interest.

Continued/.....

Prejudicial Interests

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

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

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

There are some limited exceptions.

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

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

1 ELECTION OF CHAIR

To appoint a Chair for the purposes of this meeting.

2 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

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

3 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

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

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

4 STATEMENT FROM THE CHAIR

5 EXCLUSION OF THE PRESS AND PUBLIC

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

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

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

Tuesday, 27 March 2012

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

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Agenda Item 6



Reference: 2012/00138/01SRAP

Hearing:

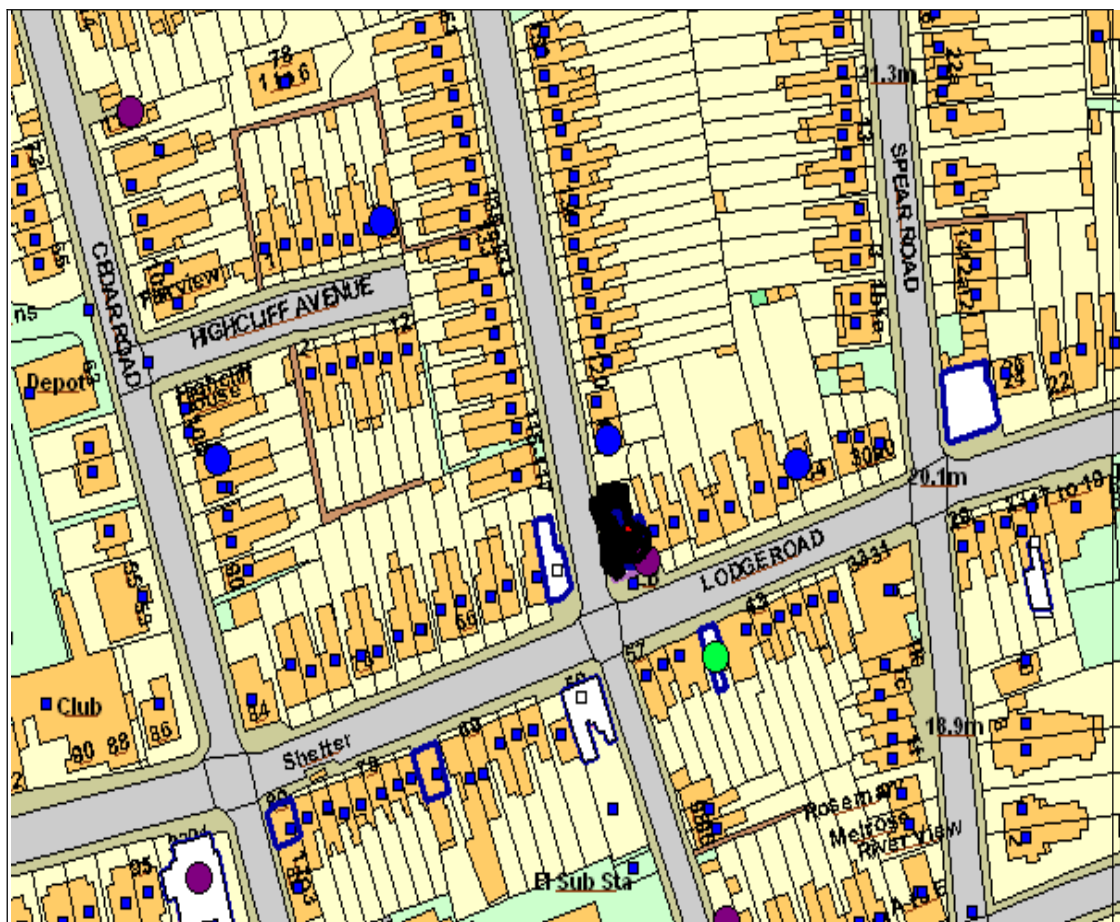
5th April 2012

Application for Review of Premises Licence

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

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

Application Valid Date: 23rd January 2012



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	Yes	
Hampshire Fire And Rescue - Licensing	Yes	
Environmental Health - Licensing	Yes	
Planning & Sustainability - Building Control - Licensing	Yes	
Planning & Sustainability - Development Control - Licensing	Yes	
Police - Licensing	No	
Trading Standards - Licensing	No	

Other Representations

Name	Address	Contributor Type
None Received		

Legal Implications

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

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

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

14. Human Rights Act 1998

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

SOUTHAMPTON CITY COUNCIL

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Southampton City Council Trading Standards Service

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

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

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

Part 2 - Applicant details

I am

Please tick yes

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

- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes

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

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

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

The Prevention of Crime and Disorder
Public Safety

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

Counterfeit and non genuine vodka has increasingly been found by Trading Standards Officers around the country. It is often produced from industrial alcohol which is imported into the UK. It is diluted and packed in bottles which are either copies of an existing brand of vodka, or packed and labelled as a brand of vodka which does not exist. Clearly controls over the quality of the product are not as strict as would be found at a distillery producing the genuine product, and issues have been reported regarding excessive levels of methanol being present, which is poisonous. There are therefore public safety issues with the sale of such vodka.

Paragraph 11.26 of the October 2010 Amended Guidance Issued Under Section 182 of the Licensing Act 2003 states that "there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously." Which includes "the use of the licensed premises for the sale of smuggled tobacco and alcohol". Appropriate duty would not have been paid on the counterfeit vodka.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

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

N/A

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....

Date

.....

Capacity Trading Standards Officer

.....

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

Notes for Guidance

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

TRADING STANDARDS SERVICE WITNESS STATEMENT

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

STATEMENT OF: **CHRISTINE HILL**

AGE IF UNDER 18: **OVER 18**

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 10th day of January 2012

Signature:C R Hill

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

I..... of

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

Dated the day of2012.. .. Signature:

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

Signature:C R Hill.....

ST1(1)HQ

PAGE NO: 2 CONTINUATION OF STATEMENT DATED:

BY **CHRISTINE HILL**

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

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

PAGE NO: 3 CONTINUATION OF STATEMENT DATED:

BY **CHRISTINE HILL**

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

Signature:C R Hill.....

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F

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ST1(2)HQ

STATEMENT OF: **CHRISTINE HILL**

HOME ADDRESS:

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

DATE OF BIRTH:

OCCUPATION: **Trading Standards Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO:

WITNESS AVAILABILITY (Delete dates to be avoided)

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

CONTACT POINT IF DIFFERENT FROM ABOVE:

ADDRESS:

TELEPHONE NO:

STATEMENT TAKEN BY:

INCIDENT NO:

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

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

None

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

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



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CRH/1

Description of article

1L OF PRINCE CONSORT

VODKA

REF: 008915

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CRH/3

Description of article

1L OF PRINCE CONSORT

VODKA

REF: 008919

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CRH/2

Description of article

1L OF PRINCE CONSORT

VODKA

REF: 008917

CHRISTINE HILL

EH.126 07.10.22561



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CRH/4

Description of article

7x 35cl BOTTLES OF

PRINCE CONSORT VODKA

REF: 008916

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CRH/5

Description of article

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

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CRH/7

Description of article

12 BOTTLES OF JACOBS
CREEK WINES
REF: 008922

Name of person originally identifying (block letters)

CHRISTINE HILL



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CRH/6

Description of article

3X 70CL BOTTLES OF
SOBIESKI VODKA
REF: 008921

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CRH/8

Description of article

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

Name of person originally identifying (block letters)

CHRISTINE HILL



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CRH/9

Description of article

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

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CRH/11

Description of article

23x BOTTLES OF
JACOBS CREEK WINES
REF: 008926

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CRH/10

Description of article

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

CHRISTINE HILL

EH.126 07.10.22561



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CRH/12

Description of article

CD OF RECORDED
INTERVIEW OF MR
M PATEL 17.11.11.

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07.10.22561



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CR4/14

Description of article

INVOICE FROM

[REDACTED]

CASH +

CAREY DATED 29/11/10

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07/10.22561



Trading Standards Service

Incident reference

11/01408/TMA

Exhibit reference

CR4/13

Description of article

INVOICE FROM

[REDACTED]

CASH +

CAREY DATED 22/7/11

Name of person originally identifying (block letters)

CHRISTINE HILL

EH.126 07/10.22561

STATEMENT OF WITNESS

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

Statement of: Thomas Keith Taylor

Age if Witness: Over 18

Occupation: Quality Manager

This statement consisting of two pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 24th Day of October 2011

Signature:

I am Thomas Keith Taylor and I have been employed by Glen Catrine Bonded Warehouse Ltd, 7 Laigh Road, Catrine, Ayrshire, KA5 6SQ as Quality Manager for eighteen years. In this capacity, I am familiar with the design, appearance, composition and quality of all genuine Glen Catrine products and I am authorised to speak on behalf of the company in relation to such matters. I can confirm that Prince Consort Vodka is a vodka brand that Glen Catrine Bonded Warehouse Ltd produces on behalf of Independent Food Services, Milton Keynes, MK9 2AH, who own the Trade Mark. I produce a copy of the Trademark Certificate and identify it as TKT/1. On 26th September 2011, I received from Christine Hill of Southampton City Council Trading Standards Service two sealed plastic bags. The first bag was sealed with seal number 03714237 and contained a 1Litre bottle that was labelled 'Prince Consort Vodka'. The bag also contained a Southampton Trading Standards Service label identifying the bottle as Sample No. 008919. The second bag was sealed with seal number 03714096 and contained a 35cl bottle that was labelled 'Prince Consort Vodka'. The bag also contained a Southampton Trading Standards Service label identifying the bottle as Sample No. 008916/1. I placed the sealed plastic bags in secure storage and removed the bottles from them prior to examination. On examination of the Litre bottle I came to the conclusion that it was counterfeit. My reasons for determining that this was not a genuine Litre bottle of Prince Consort Vodka were as follows: - Since October 2009, our company only used a bespoke bottle supplied by Allied Glass Containers which has the AGC

Signature: .

Statement of Thomas Keith Taylor – Continued

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

Signature:



TRADE MARKS ACT, 1938

GREAT BRITAIN AND
NORTHERN IRELAND

KT 11

PRINCE CONSORT

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

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

Notes

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

Scaled at my direction this 17th day of July 1987.

P.J. COOPER
REGISTRAR.

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

TRADE MARKS REGISTRY



REGISTRATION CERTIFICATE

Trade Marks Act 1994 of Great

Britain and Northern Ireland

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

JACOB'S CREEK

The mark has been registered in respect of:

Class 32:

Beers; non-alcoholic beverages.

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

PERNOD RICARD BRAND SECURITY

IDENTIFICATION OF EXHIBIT Criminal Procedure Rules R27

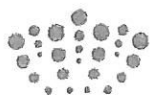
THIS IS THE: Jacob's Creek UK National Trademark Class 32

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

AS EXHIBIT NUMBER: __JM/1__ SIGNED

Sealed this day at my direction

DATE 14 July 2000



Mewburn Ellis LLP
33 Gutter Lane
London
UK
EC2V 8AS

04 January 2010

CERTIFICATE OF RENEWAL OF TRADE MARK

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

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

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



TRADE MARKS ACT, 1938

GREAT BRITAIN AND
NORTHERN IRELAND

JACOB'S CREEK

Certified a true copy of
the original document

LATKUNAS 8.1.10

KYLIE THOMAS

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

167 Fullerton Road Adelaide 5005

The Trade Mark shown above has been registered in Part 5 of the Register under No. 31,154,628 as of the date 3rd November 1938
in Class 33 Schedule IV in respect of wines, spirits (beverages) and liqueurs,-----

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

The Trade Marks Registry, Patent Office,

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

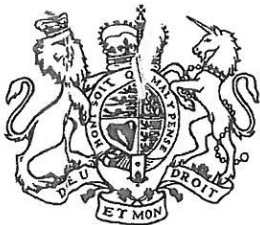
Registration is for 7 years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of 14 years thereafter.
This certificate is not for use in Legal Proceedings or for obtaining Registration abroad.

Sealed at my direction this

6th day of February 1985

IVOR DAVIS CB
REGISTRAR.

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



TRADE MARKS ACT, 1938

GREAT BRITAIN AND
NORTHERN IRELAND

1234

CERTIFICATE OF RENEWAL

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

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

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

P.R.S. HARTNACK
REGISTRAR

Certified a true copy of
the original document

K.

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

TRADE MARKS
REGISTRY



RENEWAL
CERTIFICATE

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

33

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

Certified a true copy of
the original document.

KYLIE THOMAS

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

167 Fullarton Road Dulwich
South Australia 5065

Sealed this day at my direction

REASON FOR REFUSAL, REGISTRATION
DATE

30 September 2003



Case details for Trade Mark 1184628

Explanation of terms used on this page

Case history including, where available, licensee details

Mark

Mark text: JACOB'S CREEK

Status

Status: Registered

Class: 33

Relevant dates

Filing date: 03 November 1982

Next renewal date: 03 November 2013

Publication in Trade Marks Journal

First advert:

Journal: 5537

Page: 2816

Publication date: 24 October 1984

Renewal:

Journal: 6503

Publication date: 24 October 2003

List of goods or services

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

Names and addresses

Proprietor:	Pernod Ricard Pacific Pty Ltd 167 Fullarton Road, Dulwich SA 5065, Australia
Incorporated country:	United Kingdom
Residence country:	United Kingdom
Customer's ref:	REW/FG6602510
ADP number:	0841193001

Other cases owned by this proprietor

Agent:	Mewburn Ellis LLP 33 Gutter Lane, London, EC2V 8AS
ADP number:	0000109001
Service:	Mewburn Ellis LLP 33 Gutter Lane, London, EC2V 8AS
ADP number:	0000109001

Other particulars

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

Earlier rights notification

Opted in for notifications

Explanation of terms used on this page

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Intellectual Property Office is an operating name of the Patent Office

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

Names and addresses

Proprietor:	Pernod Ricard Pacific Pty Ltd 167 Fullarton Road, Dulwich SA 5065, Australia
Incorporated country:	United Kingdom
Residence country:	United Kingdom
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".
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Earlier rights notification

Opted in for notifications

Explanation of terms used on this page

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**INTELLECTUAL**
PROPERTY OFFICE

Trade Mark Details as at 09 June 2010

Case details for Trade Mark 1184628

Historical Event

Date Actioned: 28 January 2009

Details: TM33 received L/F 2005195 JNL 6773

Previous Details:

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

ADP Number: 0001776001

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

ADP Number: 0000059001

Historical Event

Date Actioned: 20 February 2007

Details: ADP NUMBER CHANGED BY CLEANUP
00049933

Historical Event

Date Actioned: 20 February 2007

Details: ADP NUMBER CHANGED BY CLEANUP
00049933

Historical Event

Date Actioned: 20 February 2007

Details: ADP NUMBER CHANGED BY CLEANUP
00049933

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

Historical Event

Date Actioned: 5 April 1991

Details: Name And Address Change

Previous Details:

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

Residence Country: United Kingdom

ADP Number: 0841193001

Historical Event

Date Actioned: 28 March 1991

Details: Name And Address Change

Previous Details:

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

Residence Country: United Kingdom

ADP Number: 0841193001

Historical Event

Date Actioned: 16 October 1989

Details: Trade Mark Renewed

Historical Event

Date Actioned: 14 August 1989

Details: Renewal Reminder Sent

WORLD INTELLECTUAL
PROPERTY ORGANIZATION

34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva 20 (Switzerland)
WIPO postal cheque account: No. 12-5000-8 Geneva
Int'l Bank Account Number (IBAN): Credit Swiss Bank, Geneva
CH35 0425 1048 7080 8100 0 / Swift Code: CRESCZZ12A
Tel. (41-22) 338 9111 Fax: (41-22) 733 5428
E-mail: intreg.mail@wipo.int Internet: <http://www.wipo.int>



24 MAR 2006

Madrid Agreement
and
Madrid Protocol

By registered mail

Madderns
Level 1,
64 Hindmarsh Square
ADELAIDE SA 5000
Australia

Our reference: 860/331635501

Geneva, 16/03/2006

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

Madam,
Sir,

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

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

International Bureau of the World Intellectual
Property Organization (WIPO)

PERNOD RICARD BRAND SECURITY

IDENTIFICATION OF EXHIBIT Criminal Procedure Rules R27

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

REFERRED TO IN MY STATEMENT DATED: 14/06/2011

AS EXHIBIT NUMBER: JM/3 SIGNED:



W304

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

Trade Marks Department

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

Alicante, 06/03/2006

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

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

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

MORALES PAREDES, Juan Antonio
Examiner



Trade Mark Details as at 09 June 2010

Case details for Trade Mark 1184628

Historical Event

Date Actioned:	28 January 2009
Details:	TM33 received L/F 2005195 JNL 6773
Previous Details:	
Agent:	Withers & Rogers LLP Goldings House, 2 Hays Lane, London, SE1 2HW
ADP Number:	0001776001
Service:	D. Young & Co. LLP 120 Holborn, London, EC1N 2DY
ADP Number:	0000059001

Historical Event

Date Actioned:	20 February 2007
Details:	ADP NUMBER CHANGED BY CLEANUP 00049933

Historical Event

Date Actioned:	20 February 2007
Details:	ADP NUMBER CHANGED BY CLEANUP 00049933

Historical Event

Date Actioned:	20 February 2007
Details:	ADP NUMBER CHANGED BY CLEANUP 00049933

Historical Event

Date Actioned: 30 September 2003
Details: Trade Mark Renewed

Historical Event

Date Actioned: 11 August 2003
Details: Renewal Reminder Sent

Historical Event

Date Actioned: 7 April 1993
Details: TM1 RECEIVED 22.03.1993

Historical Event

Date Actioned: 31 March 1993
Details: ADP NUMBER CHANGED BY CLEANUP
00008804

Historical Event

Date Actioned: 31 March 1993
Details: ADP NUMBER CHANGED BY CLEANUP
00008804

Historical Event

Date Actioned: 20 March 1992
Details: Record Correction
Previous Details:
Disclaimer: Disclaimer inserted:
Exclusive use restrictions: addition of a wholly descriptive and non-Trade Mark
character.tererons filedthe word JACOB'S

Historical Event

Date Actioned: 5 April 1991

Details: Name And Address Change

Previous Details:

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

Residence Country: United Kingdom

ADP Number: 0841193001

Historical Event

Date Actioned: 28 March 1991

Details: Name And Address Change

Previous Details:

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

Residence Country: United Kingdom

ADP Number: 0841193001

Historical Event

Date Actioned: 16 October 1989

Details: Trade Mark Renewed

Historical Event

Date Actioned: 14 August 1989

Details: Renewal Reminder Sent

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WORLD INTELLECTUAL
PROPERTY ORGANIZATION

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



24 MAR 2006

Madrid Agreement
and
Madrid Protocol

By registered mail

Madderns
Level 1,
64 Hindmarsh Square
ADELAIDE SA 5000
Australia

Our reference: 860/331635501

Geneva, 16/03/2006

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

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

International Bureau of the World Intellectual
Property Organization (WIPO)

PERNOD RICARD BRAND SECURITY

IDENTIFICATION OF EXHIBIT Criminal Procedure Rules R27

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

REFERRED TO IN MY STATEMENT DATED: 14/06/2011

AS EXHIBIT NUMBER: JM/3 SIGNED:



W304

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

Trade Marks Department

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

Alicante, 06/03/2006

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

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

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

MORALES PAREDES, Juan Antonio
Examiner

TRADING STANDARDS SERVICE WITNESS STATEMENT

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

STATEMENT OF: **LUCAS MARSHALL**

AGE IF UNDER 18: **OVER 18**

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 9th day of Jan 2012

Signature:L Marshall.....

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

I..... of

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

Dated the day of2012.. .. Signature:

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

Signature:L Marshall.....

ST1(1)HQ

PAGE NO: 2 CONTINUATION OF STATEMENT DATED:

BY **LUCAS MARSHALL**

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

Signature:L Marshall.....

E

F

G

ST1(2)HQ

STATEMENT OF: **LUCAS MARSHALL**

HOME ADDRESS:

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

DATE OF BIRTH: **5 May 1970**

OCCUPATION: **Trading Standards Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO: **023 8083 4930**

WITNESS AVAILABILITY (Delete dates to be avoided)

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

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

CONTACT POINT IF DIFFERENT FROM ABOVE:

ADDRESS:

TELEPHONE NO:

STATEMENT TAKEN BY:

INCIDENT NO:
CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996
 Record below anything that may affect the credibility of the person making this statement, eg previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated the9th..... day of Jan..... 2012 SignedL Marshall.....

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r.27.2);

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

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

This statement (consisting of four pages, each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed: Jodie McCombie **Date:** 14/10/2011

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

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

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

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

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

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

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

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

Evidence seal: 03714060, resealed 03714086

7 bottles of Semillon Chardonnay

4 bottles of Semillon Sauvignon Blanc

1 bottle of Merlot

Evidence seal: 03714058, resealed 03714087

8 bottles of Semillon Chardonnay

8 bottles of Semillon Sauvignon Blanc

Evidence seal: 03714145

1 bottle of Semillon Chardonnay

1 bottle of Semillon Sauvignon Blanc

1 bottle of Cabernet Sauvignon

Evidence seal: 03714122

4 bottles of Cabernet Sauvignon

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

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

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

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

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

Signed:

Jodie McCombie

Date: 14/10/2011



FOOD SAFETY ACT 1990

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

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

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

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

Place of Sampling: LONDIS, 48 LODGE ROAD, SOUTHAMPTON

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

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

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

My opinion and observations are:-

The declared alcoholic strength was 37.5 % volume.

The uncertainty of measurement is 0.4% alcohol by volume.

The difference between the amount of alcohol found and the amount declared taking into account the uncertainty of measurement was 2.1% by volume. This difference is outside the permitted tolerance of 0.3% alcohol by volume prescribed in The Food Labelling Regulations 1996 for vodka.

The sample had an alcohol content of 1.8% volume less than the minimum permitted.

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

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

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

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

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

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

Signature:



Name: Jenny A D Green
PUBLIC ANALYST

Official address/Telephone No: As Letterhead

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



FOOD SAFETY ACT 1990

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

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

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

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

Place of Sampling: LONDIS, 48 LODGE ROAD, SOUTHAMPTON

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

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

Alcohol % v/v	:	39.4
Methanol g/100L alc	:	0.70

My opinion and observations are:-

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

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

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

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

normal constituents of vodka.

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

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

Signature:

Name: Jenny A D Green
PUBLIC ANALYST

Official address/Telephone No: As Letterhead

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

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

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



Ref
Not
Application
G90

Page 1 of 4

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

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

I PC 24288 HARRIS, on behalf of the Chief Officer of Hampshire Constabulary,
(Insert name of applicant)

☒ Apply for the review of a premises licence.

☐ Apply for the review of a club premises certificate.
(Select as applicable)

Premises or Club Premises details

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

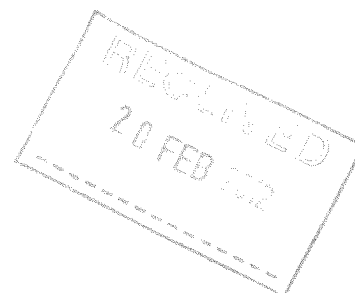
Name of premises licence holder or club holding club premises certificate (if known)
Minesh Patel

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

Details of responsible authority applicant

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

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





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

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

*Select one or more
boxes*

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

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

On Behalf of the Chief Officer of Police for Hampshire Constabulary, I am writing to support an application submitted by Trading Standards, concerning counterfeit and non-UK duty paid alcohol that was found on the above premises. In addition to the conditions proposed by Trading Standards, I seek to add the following condition to the premises licence:

CCTV

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

CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

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

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

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

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



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

Page 3 of 4

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

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

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

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

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

If yes please state the date of that
application:

/ /
Day Month Year

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

Please tick

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

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application



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

Signature of Officer Completing

Name PC HARRIS

Collar Number: 24288

Signature:

Date: 16/02/12

Signature of Authorising Officer (Inspector or above)

Name

John McGonigle

Collar Number: 1399

Signature:

Date: 20/02/12



Hampshire Constabulary
Chief Constable Alex Marshall

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

Southampton Central Police Station
Southern Road
Southampton
Hampshire
SO15 1AN

Telephone: 0845 045 45 45

Our ref:
Your ref:

Deaf/speech imp:
Email: southampton.licen:

16th February 2012

Dear Sir,

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

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

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

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

Yours faithfully

PC 24288 Harris
Violent Crime Reduction & Licensing Department

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



Direct:
Fax:
Email:

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

23 January 2012

Southampton Licensing Unit
Hampshire Constabulary
Southern Road
Southampton
SO15 1AN

Dear Sir/Madam

Licensing Act 2003

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

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

Yours faithfully

Christine Hill
Trading Standards Officer

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



SOUTHAMPTON CITY COUNCIL

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Southampton City Council Trading Standards Service
(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Part 2 - Applicant details

I am

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

Please tick yes

a) a person living in the vicinity of the premises

☐

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

☐

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

☐

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

☐

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

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

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

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

The Prevention of Crime and Disorder
Public Safety

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

Counterfeit and non genuine vodka has increasingly been found by Trading Standards Officers around the country. It is often produced from industrial alcohol which is imported into the UK. It is diluted and packed in bottles which are either copies of an existing brand of vodka, or packed and labelled as a brand of vodka which does not exist. Clearly controls over the quality of the product are not as strict as would be found at a distillery producing the genuine product, and issues have been reported regarding excessive levels of methanol being present, which is poisonous. There are therefore public safety issues with the sale of such vodka.

Paragraph 11.26 of the October 2010 Amended Guidance Issued Under Section 182 of the Licensing Act 2003 states that "there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously." Which includes "the use of the licensed premises for the sale of smuggled tobacco and alcohol". Appropriate duty would not have been paid on the counterfeit vodka.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N/A

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....

Date

23/1/12

Capacity Trading Standards Officer

.....

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

Christine Hill
Trading Standards Service
Southampton City Council
Civic Centre Rd

Post town

Southampton

Post Code

SO14 7LY

Telephone number

**If you would prefer
mail address (option)**

**e-mail address your e-
mail address**

Notes for Guidance

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

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

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

Working Sheet

Hampshire Constabulary

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

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

Author: #3555 MARSHMAN, I.

Report time: 16/12/2011 23:00

Entered by: #3555 MARSHMAN, I.

Entered time: 16/12/2011 23:00

Remarks: 13/12/11 Visit PC Blandford

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

No training records, no incident book.

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

I suggested a ring round system.

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

PS3555 MARSHMAN

Working Sheet

Hampshire Constabulary

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

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

Author: #24288 HARRIS, J.

Report time: 03/02/2012 13:09

Entered by: #24288 HARRIS, J.

Entered time: 03/02/2012 13:09

Remarks: Spring clean visit

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

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

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

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

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

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



Hampshire Constabulary

Chief Constable Alex Marshall

Minesh Patel
Londis
46 Lodge Road
Southampton
SO14 6RJ

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

Telephone: 0845 045 45 45

Our ref: 44090026435

Your ref:

Deaf/speech
Email: southampton

7th February 2012

Dear Sir,

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

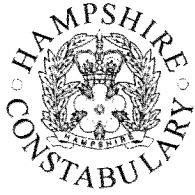
As you are aware, Southampton Police are committed to working with the licensees in promoting the four licensing objective i.e. –

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

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

Yours faithfully

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



Hampshire Constabulary

Chief Constable Alex Marshall

Meeting at Londis 3rd February 2012

CCTV

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

Incident book & refusals log

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

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

Due diligence training

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

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

Working Sheet

Hampshire Constabulary

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

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

Author: #24288 HARRIS, J.

Report time: 16/02/2012 09:19

Entered by: #24288 HARRIS, J.

Entered time: 16/02/2012 09:19

Remarks: Attended londis to collect CCTV/refusals log

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

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

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

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