

Licensing (Licensing and Gambling) Sub-Committee

Thursday, 14th February, 2013
at 11.00 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public
Members

Councillor Cunio
Councillor Lewzey
Councillor Lloyd

Contacts

Democratic Support Officer
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PUBLIC INFORMATION

Terms of Reference

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

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

Relevant Representations

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

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

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

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

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

Southampton City Council's Seven Priorities

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

Smoking policy

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

Mobile Telephones –

Please turn off your mobile telephone whilst in the meeting.

Fire Procedure –

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

Access –

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

Dates of Potential Meetings: Municipal Year 2012/13

2012	15TH NOVEMBER
10TH MAY	29TH NOVEMBER
31ST MAY	13TH DECEMBER
14TH JUNE	2013
28TH JUNE	3RD JANUARY
12TH JULY	17TH JANUARY
26TH JULY	31ST JANUARY
9TH AUGUST	14TH FEBRUARY
23RD AUGUST	28TH FEBRUARY
6TH SEPTEMBER	14TH MARCH
20TH SEPTEMBER	28TH MARCH
4TH OCTOBER	11TH APRIL
18TH OCTOBER	25TH APRIL
1ST NOVEMBER	

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 "Disclosable Personal Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PERSONAL INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value fo the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

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 PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary 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.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 13th December 2012, 20th December 2012 and 3rd January 2013 and to deal with any matters arising, attached.

6 EXCLUSION OF THE PRESS AND PUBLIC

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

7 APPLICATION FOR PREMISES LICENCE - SAINSBURY'S SUPERMARKETS, 47-65 BEVOIS VALLEY ROAD, SOUTHAMPTON, SO14 OJS

Report of the Head of Legal, HR and Democratic Services detailing an application for a premises licence in respect of Sainsbury's Supermarket, 47-65 Bevois Valley Road, Southampton, SO14 OJS, attached.

THIS ITEM WILL NOT BE HEARD BEFORE 1.30

8 APPLICATION FOR PREMISES LICENCE - PREMIER, 6 ATHELSTAN ROAD, SOUTHAMPTON, SO19 4DD

Report of the Head of Legal, HR and Democratic Services, detailing an application for a premises licence in respect of Premier, 6 Athelstan Road, Southampton, SO19 4DD, attached.

Monday ,4th February 2013

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

Agenda Item 5

To approve and sign as a correct record the Minutes of the meetings held on 13th December 2012, 20th December 2012 and 3rd January 2013 and to deal with any matters arising, attached.

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 13 December 2012

Present: Councillors Mrs Blatchford, Cunio and Laming

66. **ELECTION OF CHAIR**

RESOLVED that Councillor Cunio be elected Chair for the purposes of the meeting.

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

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

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

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

69. **APPLICATION TO VARY A PREMISES LICENCE - PIZZA CHICKEN KEBAB HOT 2 YOU, 1A BEDFORD PLACE, POLYGON, SO15 2BY**

The Sub-Committee considered the application for a premises licence in respect of Pizza Chicken Kebab Hot 2 You, 1A Bedford Place, Polygon, Southampton, SO15 2BY. (Copy of report circulated with the agenda and appended to the signed minutes).

PC Harris, PC Wood and PC Conway, Hampshire Constabulary, Mr Mohammed, Applicant (Owner), and Ms Sharma, Counsel for Applicant were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that the application to vary the premises licence be refused.

REASONS

The Sub-Committee considered the application to vary a premises licence at Pizza Chicken Kebab Hot 2 You and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, human rights legislation and the evidence submitted by all parties, both written and given orally today.

The Sub-Committee particularly noted the following points raised by the applicant:-

- 1 breaches regarding trading outside the hours permitted dated back to
December 2010;
- 2 despite two previous reviews and concerns raised there might have been
difficulty with regards to language and understanding the licence;
- 3 SIA security guards assisted the police in preventing crime and disorder;
- 4 the number of incidents in the immediate vicinity of the premises, specifically
relating to Bedford Place and the premises in particular;
- 5 extension of SIA staff hours would maintain the current position or reduce the
impact of the premises;
- 6 an increase in hours was not to target those leaving the area but to bring the
premises in line with others trading later, without door staff or CCTV
conditions;
- 7 there was a considerable difference between Friday and Saturday and
Tuesday nights (being a student night);
- 8 that as of today the applicant had installed an upgraded CCTV system to
enable better compliance with conditions; and
- 9 the financial impact.

In considering the above, the Sub-Committee balanced evidence presented by the police confirming that despite two previous reviews of the premises, the latest being in April 2011, the premises continued to fail to comply with conditions attached to the licence, specifically relating to the maintenance and inspection of CCTV and the production of CCTV when required. It was also noted that police evidence showed that the conditions attached to the licence had been provided in writing and in the applicant's first language.

Whilst it was accepted that other premises might have longer trading hours and no requirement for door staff or CCTV, the Sub-Committee considered it a relevant factor that those specific requirements had been placed upon the premises due to specific issues previously identified relating to the premises. The Sub-Committee concluded that the fact that the conditions had resulted in a lower number of incidents at this particular premises, showed that the conditions imposed were having a positive effect on the prevention of crime and disorder at the premises and in the immediate vicinity. It was felt that on the balance of probabilities, any reduction in those requirements would lead to an increase of those issues.

Whilst it was noted that other premises did not have a formal requirement or condition requiring the use of CCTV, police evidence indicated that they all had functioning CCTV systems in place.

The Sub-Committee considered the difference between Friday and Saturday nights and Tuesday (student night) and noted that the figures did show a difference between the two, but nonetheless felt that Tuesday remained a significantly busy period to warrant retention of door staff.

The Sub-Committee considered the figures relating to incidents in the area and noted that only one incident was directly linked to the premises in question. However, it considered the nature and severity of that incident to be such that it raised considerable concern. More importantly, the Sub-Committee considered the response of staff at the premises, both in failing to report and log the incident and the subsequent inadequacies regarding the provision of CCTV to be of very serious concern.

The Sub-Committee accepted legal advice given in public session relating to the Cumulative Impact Policy (CIP) which created a rebuttable presumption that applications of this type should be refused unless the applicant was able to establish that the proposed licensable activities would not, on the balance of probabilities, lead to an increase in or add to the issues already experienced within the designated area.

Accordingly, and in light of all the above, the Sub-Committee was not satisfied that the applicant had, on the balance of probabilities, established that the variation application or any part of it, would not lead to an increase in the issues in the area.

70. **APPLICATION FOR PREMISES LICENCE - HOLLYOAK STORES, 25-33 HOLLY OAK ROAD, SOUTHAMPTON, SO16 5GB**

The Sub-Committee considered the application for a premises licence in respect of Hollyoak Stores, 25-33 Holly Oak Road, Southampton, SO16 5GB. (Copy of report circulated with the agenda and appended to the signed minutes).

PC Harris and PC Conway, Hampshire Constabulary, Mr and Mrs Bhakar, Applicants, Mr Spink, Counsel for Applicant, Mrs Brazil, Mrs Castle and Miss Martinez, Residents, and Councillor Thomas, Ward Councillor, were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that:-

the application for a premises licence be granted in the terms sought and subject to:

- i) Agreed conditions relating to CCTV, Training, Challenge 25, Refusals Log, Till System, Incident Book, Storage and Staffing - as detailed on pages 25-27 of the Report, and;
- ii) Subject to the following conditions where they differ to those set out within the report on pages 26 and 27 of the bundle. All those other conditions set out as listed above shall be applied to the licence as indicated in the report.
 - Staffing – two members of staff will be in the premises at all times during the licensed hours when alcohol is being sold. One person in the premises during licensed hours will always be a personal licence holder. An SIA registered member of door staff will be at the premises between 17h30 hours and closing on Friday – Saturday and 18h00 to closing on Sunday to Thursday. Whilst door staff are on duty Sunday to Thursday there shall, as a minimum, be in addition one member of staff on duty within the store and Friday – Saturday two additional staff.
 - The premises licence holder shall participate in any bottle-marking scheme organised by the police or trading standards when so required.

- Signage approved by the police shall be placed on the entrance door to the premises and at the point of sale advising that it is a criminal offence to purchase alcohol on behalf of any person under the age of 18.

iii) no sales of alcohol shall take place in accordance with the licence hereby granted until all the conditions have been fully implemented and approval of the signage is obtained in writing.

REASONS

The Sub-Committee considered the application for a premises licence at Hollyoak Store, and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, human rights legislation and the evidence submitted by all parties, both written and given orally today by Hampshire Constabulary, residents and the applicant.

The Sub-Committee also considered evidence submitted late, but none the less in advance of the hearing.

It was noted that the Police held no objection in relation to the applicant who had been willing to provide extensive conditions. The Sub-Committee also noted that in this case, residents were both supportive as well as objecting to the grant of the premises licence.

In considering the evidence of the police and residents relating to the licensing objectives and the potential for problems caused by the sale of alcohol in this location and the concerns of residents relating to anti-social behaviour, the Sub-Committee were satisfied that the agreed conditions along with additional conditions relating to bottle-marking and signage would, on balance, be sufficient to address the issues and concerns raised by the police and residents.

The Sub-Committee carefully evaluated the potential risk based on historic evidence and balanced that against the current representations which suggested a change in the nature of the locality. The Sub-Committee felt that the issues of anti-social behaviour of which the most serious evidence dated back to 2005, would not likely recur if the premises had the above conditions attached to the licence. However, the Sub-Committee continued to hold concerns in relation to the location of this premises and the mainly historic evidence showing crime and anti-social behaviour.

Careful analysis of the evidence presented, did not sufficiently show on balance that it was appropriate and proportionate to refuse a licence. Whilst considering this the Sub-Committee took into account the significant steps that the applicant had proposed. In particular, the Sub-Committee noted:-

- the fact that the premises had the benefit of extensive CCTV, which the police noted in their own evidence was now at a satisfactory level, covering areas including the grassy area opposite;
- that the premises would only open until 7.30 pm (the majority of issues occurred after that time);
- that the premises would employ security staff every day of the week; and
- that alcohol would be stored in a locked container behind the counter.

Residents could be reassured by the fact that the Licensing Act 2003 did allow for significant steps to be taken in the event that a premises caused issues and undermined the licensing objectives. Any evidence showing a clear causal link to the premises would be taken extremely seriously and both the police and local residents would be able to initiate a review in the event that any issues arose.

RECOMMENDATION

The Sub-Committee recommended that the premises licence holder made every effort to restore positive relationships with residents and attended any agency meeting relevant to the area.

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 20 December 2012

Present: Councillors Parnell, Thomas and Tucker

71. **ELECTION OF CHAIR**

RESOLVED that Councillor Tucker be elected Chair for the purposes of this meeting.

72. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

RESOLVED that the Minutes of the Meeting held on 29th November 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

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

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

75. **APPLICATION FOR PREMISES LICENCE - KHAN INTERNATIONAL SUPERMARKET, 179-181 SHIRLEY ROAD, SOUTHAMPTON, SO15 3FG**

The Sub-Committee considered the application for a premises licence in respect of Khan International Supermarket, 179-181 Shirley Road, Southampton, SO15 3FG. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Thangavel, Premises Licence Holder/Applicant, Mr Sarma, family member, Mr Hudson, Licensing Consultant for Applicant, PC Conway and PC Smith, Hampshire Constabulary, were present and with the consent of the Chair, addressed the meeting.

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

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

- i. the conditions outlined in the operating schedule and, in addition, as detailed in the police representation. **NB** – where the police conditions repeat or contradict those set out in the operating schedule, the police conditions shall prevail; and
- ii. the following additional conditions:-
 - the premises licence holder shall ensure that the premises participate in any bottle-marking exercise or scheme as and when required by either the police or trading standards; and

- each and every sale of alcohol shall be directly supervised and authorised by either the Designated Premises Supervisor or a personal licence holder.

REASONS

The Sub-Committee considered very carefully the application for a premises licence at Khan International Supermarket and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy and Human rights legislation.

The Sub-Committee considered very carefully all the evidence submitted by both parties, both written and given orally today, in particular that relating to crime and disorder in the immediate vicinity of the premises. It was common ground that the area, generally, suffered from a disproportionate level of anti-social behaviour including street drinking, litter and public nuisance. However, despite these clear concerns the Sub-Committee noted a lack of direct evidence showing a causal link to any premises within the area as a result of sales of alcohol.

The argument advanced by the police was that in light of the nature and number of incidents in the area it necessarily followed that an additional premises supplying alcohol in the area would lead to an increase in those issues. The Sub-Committee had grave concerns regarding the nature and number of the incidents reported, however, decided that in light of the lack of direct evidence, it was not appropriate to refuse the premises licence.

It was felt that on balance the above conditions would be sufficient and appropriate measures, if properly implemented, to address the anti-social behavioural issues and that it was appropriate that the conditions required additional control of alcohol sales than normally expected.

The Sub-Committee, whilst making this decision, took into account the ability to make representation in the future, which would lead, where evidence showed the premises were the cause of anti-social behaviour, to a review hearing where steps could be taken to address the issues.

76. **APPLICATION FOR PREMISES LICENCE - WORLD SHOP, 210-214 SHIRLEY ROAD, SOUTHAMPTON, SO15 3FL**

The Sub-Committee considered the application for a premises licence in respect of World Shop, 210-214 Shirley Road, Southampton, SO15 3FL. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Hussein, Owner/Applicant, Mr Crier, Solicitor for the Applicant, PC Conway and PC Smith, Hampshire Constabulary, were present and with the consent of the chair, addressed the meeting.

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

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

- iii. the conditions outlined in the operating schedule and in addition, as detailed in the police representation. **NB** – where the police conditions repeat or contradict those set out in the operating schedule, the police conditions shall prevail; and
- iv. the following additional conditions:-
 - each and every sale of alcohol be directly supervised and authorised by either the Designated Premises Supervisor or a personal licence holder;
 - sales of single cans of alcohol shall be prohibited unless part of a basket of goods other than alcohol;
 - the sale of alcohol shall only be permitted between the hours of 09h00 and 23h00 daily;
 - all alcohol shall not be visible or accessible to customers during hours that the premises may be open but not licensed for the sale of alcohol; and
- v. the premises licence holder be recommended to implement the policy requiring a security guard on the premises between the hours of 14h00 to 23h00.

REASONS

It was noted that the nature of the objection raised by the police and much of the evidence submitted directly mirrored that relating to a previous application heard immediately prior to this matter. The reasons set out below therefore draw the same conclusions, albeit that the Sub-Committee considered each application on its own merits.

The Sub-Committee considered very carefully all the evidence presented, in particular that relating to crime and disorder in the immediate vicinity of the premises. It was common ground that the area, generally, suffered from a disproportionate level of anti-social behaviour including street drinking, litter and public nuisance. However, despite these clear concerns the Sub-Committee noted a lack of direct evidence showing a causal link to any premises within the area as a result of sales of alcohol.

The argument advanced by the police was that in light of the nature and number of incidents in the area it necessarily followed that an additional premises supplying alcohol in the area would lead to an increase in those issues. The Sub-Committee had grave concerns regarding the nature and number of the incidents reported, however, felt that in light of the lack of direct evidence, it was not appropriate to refuse the premises licence.

It was felt that on balance the above conditions would be sufficient and appropriate measures, if properly implemented, to address the anti-social behavioural issues and that it was appropriate that the conditions required additional control of alcohol sales than normally expected.

Whilst the reasons above closely matched those given previously, it should be noted that the applicant in this case voluntarily offered different proposed steps to the previous applicant which were noted and accepted by the Sub-Committee given that each case must, as previously stated, be considered on its own merits.

The Sub-Committee, whilst making this decision, took into account the ability to make representation in the future, which would lead, where evidence showed the premises were the cause of anti-social behaviour, to a review hearing where steps could be taken to address the issues.

SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 3 January 2013

Present: Councillors Cunio, L Harris and Parnell

Apologies: Councillor Thomas

77. **ELECTION OF CHAIR**

RESOLVED that Councillor Cunio be elected Chair for the purposes of this meeting.

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

The Sub-Committee noted that Councillor L Harris was in attendance as a nominated substitute for Councillor Thomas in accordance with Council Procedure Rule 4.3.

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

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

80. **APPLICATION FOR PREMISES LICENCE - POUND-XTRA, 106 ST MARYS ROAD, SOUTHAMPTON, SO14 OAN**

The Sub-Committee considered the application for a premises licence in respect of Pound-Xtra, 106 St Marys Road, Southampton, SO14 OAN. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Siraj, Applicant, Mr Hudson, Licensing Consultant for Applicant, PC Harris and Sgt Wood, Hampshire Constabulary, Mr Marshall, Trading Standards and Mr Lakhani, Resident/Local Businessman were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that the application for a premises licence be refused.

REASONS

The Sub-Committee considered very carefully the application for a premises licence at Pound-Xtra, 106 St Marys Road, Southampton, SO14 OAN and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted

statement of Licensing Policy, Human rights legislation and the evidence submitted by all parties, both written and given orally today.

The Sub-Committee listened carefully to the evidence for the premises licence holder. However, this was outweighed by the strength of the evidence presented by the Police, Trading Standards and Mr Lakhani, relating to the continuing involvement and influence of the previous owners and DPS at the premises.

It was noted that the premises had previously been the subject of two reviews resulting in the revocation of the premises licence which was accepted as fact by all parties. Trading Standards in their evidence stated the issues at the premises were some of the worst breaches of the Licensing Act 2003 experienced in Southampton. For this reason the Sub-Committee was particularly concerned about the potential for the continuing involvement of those responsible for previous breaches at the premises.

The Sub-Committee were particularly concerned that the staff employed at the premises were the same three staff employed by the previous owners and that one of the three had been directly responsible for an underage sale of alcohol.

Pound-Xtra was a particularly troubled premises historically suffering from sales of counterfeit alcohol and underage sales which the Sub-Committee considered to be amongst the most serious type of breach of the Licensing Act 2003. The fact that the same staff remained at the premises, coupled with the fact that the applicant was currently living and working in Sheffield and had no real experience of running a business of this type caused considerable concern, albeit that he was in the process of working towards attaining a Personal Licence.

Evidence raised considerable concerns regarding the legitimacy of the transfer of the business to the applicant and the issues are briefly set out as follows:-

- a previous attempt to purportedly transfer a half share of the business and application made for a premises licence resulting in an objection from the Police and Trading Standards, led to withdrawal of that application;
- that a further transfer of half the business was made and subsequently only amended to show a full transfer following an interview;
- the applicant was unable to show any evidence of substance confirming payment for the business;
- the fact that evidence revealed that alcohol allegedly the property of the previous owners remained at the premises until Christmas Day 2012, despite the terms of the sale agreement;
- an apparent lack of cooperation in providing relevant CCTV images when requested by the Police and Trading Standards; and
- the continuing presence of the previous owners at the premises after the alleged transfer of the premises.

For all the above reasons the Sub-Committee felt that refusal was appropriate and necessary to ensure that the Licensing Objectives would be upheld. The Sub-Committee was mindful that the application should be considered on its own merits but was not satisfied on the balance of the evidence that this application was an arms length transaction and that the previous owners would as a matter of fact cease to have any involvement or control over the business.

The Sub-Committee did consider granting the licence subject to a condition prohibiting the previous owners from any involvement with the business, but felt that in light of the previous disregard of conditions, this would not be sufficient to ensure that the licensing objectives would be promoted.

The Sub-Committee notified the parties of the right of appeal.

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Agenda Item 7



Reference: 2012/02596/01SPRN

Hearing:

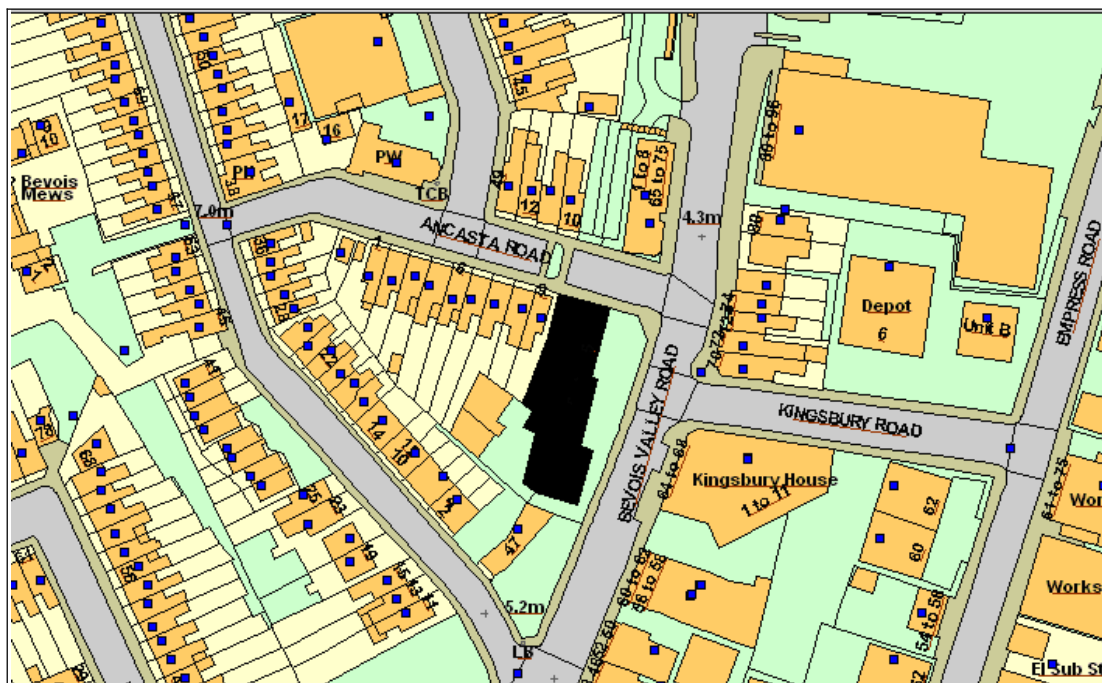
14th February 2013

Application for Premises Licence

Premises Name: Sainsbury's Supermarkets
Premises Address: 47 - 65 Bevois Valley Road
Southampton
SO14 0JS

Application Date: 13th December 2012
Application Received Date: 14th December 2012

Application Valid Date: 14th December 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	
Primary Care Trust - Public Health Manager	Yes	
Planning & Sustainability - Development Control - Licensing	Yes	
Police - Licensing	Yes	
Trading Standards - Licensing	Yes	

Other Representations

Name	Address	Contributor Type
Ms. Steph Smith	30 Clausentum Road Southampton SO14 6RZ	Resident

Legal Implications

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a new Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
2. The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by those directly affected.
3. An applicant for a new Premises Licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.
4. In considering this application the committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The committee must also have regard to:-

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

Application for a premises licence to be granted
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/We Sainsbury's Supermarkets Ltd
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises
described in Part 1 below (the premises) and I/we are making this application to you as
the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

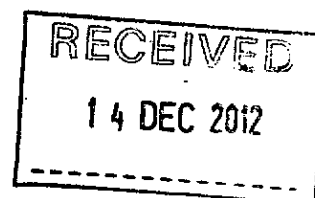
Postal address of premises or, if none, ordnance survey map reference or description Sainsbury's 47-65 Bevois Valley Road			
Post town	Southampton	Post code	SO14 0JR

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)



- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Sainsbury's Supermarkets Ltd
Address 33 Holborn London EC1N 2HT
Registered number (where applicable) 03261722
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
E-mail address (optional) N/A

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
1	2	0	1	2	0	1	3

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			

Please give a general description of the premises (please read guidance note 1)

A supermarket which is to sell a broad range of groceries, household products and alcohol.

Situated at 47-65 Bevois Valley Road, Southampton, SO14 0JR.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2).	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon.								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for the performance of dance (please read guidance note 4)		
Tue					
			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2):	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4).		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	0700	2300			
Tue	0700	2300			
Wed	0700	2300			
Thur	0700	2300			
Fri	0700	2300			
Sat	0700	2300			
Sun	0700	2300			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

--

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

The premises will sell other age restricted products.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) The opening hours of the store are not a licensable activity and the applicant asks that the hours not be restricted by the premises licence.
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Mon	0000	2400	
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The applicant is aware that the premises fall within the Bevois Valley Stress Area.

It believes that it will not add to the cumulative impact already being experienced in the area.

The applicant has discussed the application with the police and proposes the following steps that can be replicated as conditions on the premises licence.

b) The prevention of crime and disorder

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
 2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
 3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
 4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
 5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
 6. The system will display, on any recording, the correct time and date of the recording.
 7. An incidents register shall be maintained at the premises recording:
 - All incidents of crime and disorder occurring at the premises
 - Details of occasions when the police are called to the premises
- This register will be available for inspection by a police officer on request.

c) Public safety

The applicant will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.
2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
 - details of the time and date the refusal was made;
 - the identity of the staff member refusing the sale;
 - details of the alcohol the person attempted to purchase.

This register will be available for inspection by a police officer on request.
3. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be kept at the premises available for inspection by a police officer on request.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	13 December 2012
Capacity	Solicitors duly authorised on behalf of the Applicant

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Winckworth Sherwood LLP
 (Ref: EMF/26508/1493/RPB)
 Minerva House
 5 Montague Close

Post town	London	Post code	SE1 9BB
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.

Objection to Application - 2012/02596
/01SPRN

Sainsbury's Supermarket
Ltd.

I am writing to object to this application for a license to sell alcohol between the hours of 0700 and 23.00 00 at 49-65 Bevois Valley Road SO14 OJS.

I am a local resident who has lived 100 yards away from the proposed location since 1976. I am apparently not within the area where a statutory notification was sent to 86 landowners and residents. I saw the notice on a fence at the junction of Earl's Road and Bevois Valley road on 17 December 2012. In my street there are 4 families with children aged fewer than 3, another couple of families with children aged 4-12, several older people some with disabilities and plenty of working people. I have included this information in order to refute the suggestion that may be made that this is a student area where standards of behaviour and levels of alcohol misuse can be more flexible than in some other residential areas of the city and any additional alcohol sales activity cannot add to the problems already felt in the area

I have read the application thoroughly, spoken to the local police, the SCC Licensing department, the Hants Constabulary Licensing dept, the Safeguarding Board, the PCT, Trading Standards and have spoken to some local residents. I have looked at the planning application made in August 2012, the report of the Planning and Development Manager to the Planning and Rights of Way Panel and the minutes of several licensing committee meetings relating to the provision of similar licenses in the last 12 months. I will be notifying my councillors of my objection

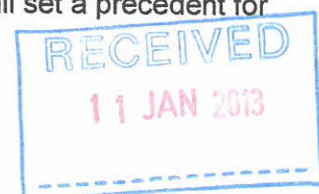
Bevois Valley Road is part of an area covered by the Cumulative Impact policy. The effect of the CIP is that additional licensed premises or significant variation of hours of operating are unlikely to be permitted unless the applicant can demonstrate to the council, as Licensing Authority, that the intended changes will not have an adverse impact on the area.

Objections to the application can only be made under the 4 licensing conditions namely
The prevention of crime and disorder
Public safety
The prevention of public nuisance
The protection of children from harm

Local residents objecting to the original planning application earlier in 2012 mentioned their fears of problems around crime and disorder, public safety and nuisance from anti social elements in the immediate area. The planning decision "noted that the development was a departure from the local plan and there were material considerations including the impact on nearby residential amenity from noise, lighting traffic and associated activity. But these are not judged to have sufficient weight to justify a refusal"

I believe that the residents' concerns are genuine and the license to sell alcohol will have an adverse effect on the area.

The committee may wish to be mindful that this licensing application will set a precedent for the following reasons



- The store to which the license applies has not yet been approved or begun construction.
- There is no history of off sales alcohol on the site or on the side of the road which backs immediately onto a long established residential area with a church ,a community pub and a primary school .
- The application is a departure from the local plan
- Bevois Valley is a CIP area with an additional Street prostitution issue
- Responsible authorities find it difficult and sometimes impossible to provide evidence at the required level to refuse license because the information is not in the public domain or mechanisms are not in place to collect it [I attach more information in this on separate sheet] If statutory services cannot provide evidence of links to the licensing objectives how can the applicant show evidence at this time that the sale of alcohol will not have an adverse impact on the area ?

In my personal experience as a resident of the area I can say that BV Road requires a significant amount of policing in order to maintain public safety. It is a focus for street drinking, prostitution, anti social behaviours, nuisance and crime and disorder including theft and assault. Operation Fortress on drugs and Vice officers identify this area as a hot spot for these activities.

Much of the information the police have is not in the public domain However the crime record on line shows that in 30 day period in December 2012 there were several incidents in the area of Bevois Valley Road . The majority of these incidents happen on the eastern side of Bevois Valley Road where all the shops and clubs are located.

My experience of the area and the 4 licensing objectives is as follows

The prevention of Crime and disorder

According to the information supplied on the application form this objective seems to relate only to crime and disorder within the shop. My observations as a resident over many years is that there will be instances of theft, intimidation and abuse within the shop. I have feared for staff members at local shops when they deal with the small but easily identifiable number of people under the influence of alcohol drugs or other substances or who have mental health issues. I have sometimes stayed in a shop in order to be available as a witness if a situation develops

Following further checking with SCC licensing I understand that this objective also refers to the prevention of crime and disorder incidents in the area which are precipitated by the license activities. At present the majority of the alcohol outlets in BV are pubs and clubs which have some process for monitoring and control of drinking by their customers. The proposed new off sales license will have less control over the behaviour of people using the premises as they wait around the area or move along neighbouring roads such as Ancaster, Earls and Clausentum .My neighbour has noted that many drinkers and clubbers now use Clausentum Road rather than Bevois Valley Road or Empress road to make their way home in a northerly direction ,presumably because it is safer from traffic and potential theft and assault . I fear that the new license premises may increase the prevalence of crime in this street.

I believe that local people will be exposed to more potential crime and disorder as a result this license. My own experience of drinkers , dealers and pimps in this area is that their contribution to crime and disorder will include intimidation, abuse , aggressive behaviour, assault , public defecating ,urinating, vomiting and the presence of dogs who may be used in an aggressive fashion

Evidence of damage to cars in the area was referred to by an objector to the original planning application and I reiterate this now in relation to the license. I think the license will also have an adverse effect on trespass and vandalism in the immediate area and on drink driving.

Street prostitution is a unique element in Southampton and specifically in the BV area .In my experience one of the " gateways" to the area of most intense activity is Kingsbury Road, immediately opposite the license application site . Levels of street prostitution activity vary according to the time of year, with more visible activity during the spring summer and autumn than in the winter. Sex workers are often on the street 24 hours a day. I have seen them myself on many occasions and from the main road they can be seen and often heard screaming late at night.

I believe it's likely that people associated with this activity namely sex workers, pimps, punters, drug dealers ,substance misusers and opportunist criminals will have greater access to alcohol if it is on sale at this new off sales venue; This may make their behaviour more extreme .They will be attracted to the store front and car park when the shop is both open and closed as these may provide an ideal " safe "place for hidden activities such as drug dealing, sex acts etc [punters and sex workers are often themselves the victims of assault and theft] . The delivery area lay-by will encourage more car based punters, pimps, dealers and opportunist criminals to stop on Bevois Valley road itself.

Public safety

I believe that the presence of this off sales license will have an adverse effect on local public safety.

It will increase the number of people on the street immediately next to a residential area. My experience is that some of these people will be potentially abusive aggressive and intimidating. Their presence will discourage people from going out .There will also be threats from dogs ,broken glass and cans, vomit, faeces and urine and possibly drug paraphernalia. I have in the past challenged people's behaviour on the street, asking them to be quiet , to deal drugs somewhere else and called for medical help for them but I am increasingly reluctant to do this as I get older , have less supportive local services likely to help me , and the behaviour of the individuals becomes more frightening .I think the presence of these new licensed premises will just make matters worse by providing apparently legitimate reasons for people to wait around from 7am to 11pm. I also fear that the deliveries of alcohol will be a potential traffic hazard as the Lorries turn into and away from the site. There is a significant volume of traffic using BV road and 3 dangerous junctions at Mount Pleasant, Earl's Road and Kingsbury road where site lines are already often blocked by buses and lorries

The prevention of public nuisance

I understand that public nuisance is classified as litter, noise and lighting There will inevitably be additional noise from these premises both through users, the infrastructure of the building and the deliveries. There will also be many issues which are already listed under crime disorder and public safety above.

The protection of children from harm

According to the application form ,safeguarding concerns are limited to not selling alcohol to underage drinkers, I understand that Sainsbury are considered to be one of the more responsible of off sales outlets but nevertheless this new store will, I think, attract more hard drinkers and possibly groups of young people wanting access to alcohol .I suspect that the problems with groups of young people which happen near Bevois Town Play Ground may be displaced to outside the new license area and will be more serious and more frequent .The loss of youth and other services for children and young people is leaving

more young people on the street with nowhere to go, nothing to do and little or no support from outreach workers and community workers in statutory and voluntary sector services.

The store will also create an unsafe environment with increased opportunities for children and young people to come into contact with drug paraphernalia, broken glass, human dog excrement etc. Children on the way to and from school will also be exposed to these risks

I am fearful that this new licensed premises operating from 7 am to 11pm will create many problems and affect the quality of life in this area. We are constantly hoping that more families and ordinary people will move here but this won't happen if the area's reputation becomes worse as a result of this license. I would not be reassured by the standard licensing committee statement that

"Residents can be reassured by the review process which does enable those issues to be tackled in the future in the event that they do arise". I do not feel this is an acceptable approach in a CIP area and in BV in particular.

I ask the Licensing to refuse this application at this time on the basis that the applicants that cannot prove there will not be an adverse effect on the area.

If this is not legally possible might I please suggest the following way forward?

Sainsbury, as a responsible business who appreciate the unique issues in the BV area, withdraw the license application for the time being. Whilst the shop is being built Sainsbury work with the police, the council and other agencies to develop, operate and analyse improved mechanisms for recording what's happening establishing base line data for the area now without the shop.

During the shop's first fully operational for 12 months without a licence this data will continue to be collected to show the impact of the shop alone.

The licence application can then be resubmitted and granted on the basis that it will now be possible to measure evidence of its impact and on condition that the information continues to be collected and the license is reviewed at 3 monthly intervals for the next 2 years or more frequently as local people or agencies indicate is appropriate.

Steph smith

30 CLAUSENTUM ROAD

SO14 6RZ

I am prepared to attend the hearing

ADDITIONAL INFORMATION ON EVIDENCE RE LICENSED PREMISES

The key aspect of most licensing applications seems to be the availability of direct evidence . Time and again decision notices make reference to this , for example

The subcommittee has grave concerns regarding the nature and number of incidents reported..., however felt that in the light of the lack of direct evidence it was not appropriate to refuse the premises license at this point in time

"It was common ground that the area generally suffers from a disproportionate level of anti social behaviour including street drinking litter and public nuisance. However despite these clear concerns the subcommittee noted a lack of direct evidence. showing a causal link to any premises .. as a result of alcohol

The PCT and the Safeguarding Board have both advised me that the kind of data which is required from them to show direct evidence of a causal link between an alcohol license and issues around health is not available to them and they have complained about this as it makes a mockery of their supposed role as responsible authorities, able to influence licensing decisions in the public interest.

The PCT are clear that alcohol damages health and places children and young people at risk particularly in areas of high deprivation such as the inner city but evidence from ambulance crews is very rarely sufficiently detailed to link to specific premises , and evidence on small geographic communities such as Bevois Valley cannot be used because of data protection issues . The SCC Safeguarding Board has advised me that they are reliant on information from the police and the applicant and they have complained about this. Some Safeguarding Boards in other areas of the country have their own resources to check on local issues relating to licensing

Licensing and trading standards have also explained the difficulties of proving links to specific premises ; for example bottle marking schemes etc can only be done when incidents have occurred

Mechanisms for collecting information on local conditions are reducing rather than increasing Council services such as Neighbourhood Wardens, youth services, community workers, support to residents groups etc all have less staff and funding. Voluntary agencies working with street drinkers and substance misuses, sex workers and people with mental health problems are also being cut.

It therefore seems there will be less and less opportunities for this necessary evidence to be collected .

Decisions to grant licenses often say
Residents can be reassured by the review process which does enable those issues to be tackled in the future in the event that they do arise.
but as a local resident of an area covered by the CIP I do not feel this is acceptable.

If statutory services cannot provide evidence of links to the licensing objectives how can the applicant show evidence at this time that the sale of alcohol will not have an adverse impact on the area ?

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Agenda Item 8



Reference: 2012/02642/01SPRN

Hearing:

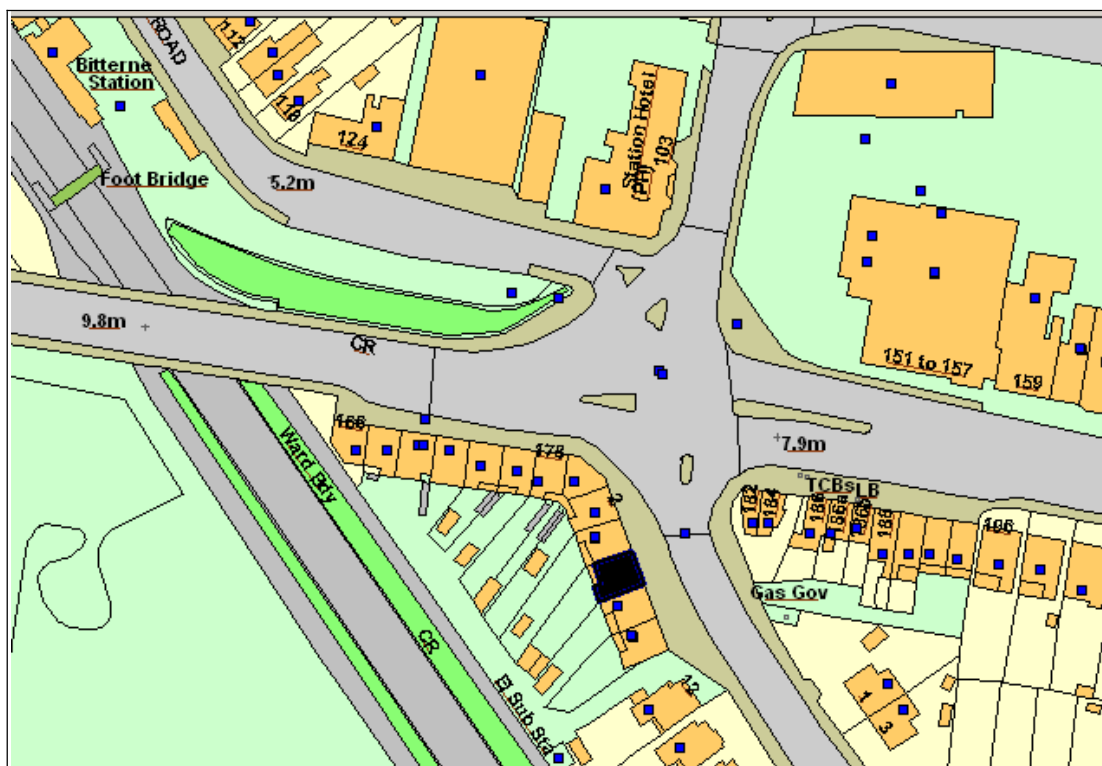
14th February 2013

Application for Premises Licence

Premises Name: Premier
Premises Address: 6 Athelstan Road
Southampton
SO19 4DD

Application Date: 20th December 2012
Application Received Date: 28th December 2012

Application Valid Date: 28th December 2012



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No response received	
Hampshire Fire And Rescue - Licensing	Yes	
Environmental Health - Licensing	Yes	
Planning & Sustainability - Building Control - Licensing	Yes	
Primary Care Trust - Public Health Manager	Yes	
Planning & Sustainability - Development Control - Licensing	Yes	
Police - Licensing	No	See attached representation
Trading Standards - Licensing	No	See attached representation

Other Representations

Name	Address	Contributor Type
None		

Legal Implications

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a new Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
2. The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by those directly affected.
3. An applicant for a new Premises Licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.
4. In considering this application the committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The committee must also have regard to:-

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

Southampton City Council

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

RECEIVED
18 DEC 2012

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/we MR. PERINPAMDORTHY SITHAMPARANATHAR
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <p style="text-align: center; margin: 0;">PREMIER 6 ATHEESTAN ROAD SOUTHAMPTON</p>		
Post town	Post code	SO19 4DD
Telephone number at premises (if any)	02380 63 53 27	
Non-domestic rateable value of premises	£ 3850/00	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | <input type="checkbox"/> | please complete section (B) |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |

- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SITHAMPARANATHAR			First names PERINPAMOORTHY.		
I am 18 years old or over					<input checked="" type="checkbox"/> Please tick yes
Current postal address if different from premises address		17 MEAD CRESCENT SOUTHAMPTON.			
Post Town	HAMPSHIRE			Postcode	SO18 2JN.
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	9	012013

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

THE PREMISES IS SITUATED AT 6 ATHELSTAN ROAD, SOUTHAMPTON. FRONT OF SHOP IS COVERED WITH GLASS AND ENTRANCE BY A SINGLE STEEL DOOR IN THE MIDDLE. FRONT IS SECURED WITH A STEEL SHUTTER. SHOPS INTERIOR WILL BE FITTED WITH CAMERAS. FIRE EXIT AT THE BACK. STORE AND TOILET, ZINC AT THE BACK OF THE SHOP. ALCOHOL AND TOBACCO WILL BE KEPT AT THE BACK OF THE COUNTER SO THAT IT WILL NOT BE ABLE TO REACH BY CHILDREN.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Tue					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)	
Day	Start	Finish		
Mon				
Tue				State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed				
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> 		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
Sun			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)			
			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input checked="" type="checkbox"/>
			Both <input type="checkbox"/>	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon	09:00hrs	22:30hrs		
Tue	09:00hrs	22:30hrs		
Wed	09:00hrs	22:30hrs		
Thur	09:00hrs	22:30hrs		
Fri	09:00hrs	22:30hrs		
Sat	09:00hrs	22:30hrs		
Sun	10:00hrs	22:00hrs		
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
			<p>ON CHRISTMAS DAY TO OPEN FROM : 12:00 noon to 15:00hrs & 19:00hrs to 22:30hrs .</p>	

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name
Address
Postcode

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	06:00hrs		<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p> <p>ON CHRISTMAS DAY TO OPEN FROM : 12:00 noon to 15:00hrs & 19:00hrs to 22:30hrs .</p>
		23:00hrs	
Tue	06:00hrs		
		23:00hrs	
Wed	06:00hrs		
		23:00hrs	
Thur	06:00hrs		
		23:00hrs	
Fri	06:00hrs		
		23:00hrs	
Sat	06:00hrs		
		23:00hrs	
Sun	07:00hrs		
		22:30hrs	

ANNEX 'P A'

A CCTV system and Camera will be installed and put in operation with one camera pointing to the cash desk and permanent recording of every reference.

Notice advising that CCTV has been installed shall be visibly displayed in the premises.

The CCTV system will be set to record from the premises are open to the public until the premises close. Such recordings to be made available for inspection by the Police or other statutory authority on demand. Such recordings will be kept for a minimum of thirty days.

The premises will operate a photo ID proof of age scheme. A notice advising that the premises operate a photo ID proof of age scheme shall be visibly displayed. CHALLENGE 25 scheme will be implemented by all staff.

A refusal book shall be maintained, recording refusals of age restricted sales and the reason for refusal. Such refusals book to be made available on demand for inspection by the Police or other relevant statutory agency.

The designated premises supervisor shall subscribe to the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and will always do risk assessment to prevent disorder, anti social behaviours and disturbances by youth or gathering street drinkers.

ANNEX 'P C'

The Designated Premises Supervisor shall ensure all appropriate steps for compliance with fire safety precautions are carried out, regularly inspected and maintained including the provision of clearly signed fire exits and fire extinguishers along with smoke detectors and fire alarms.

The Designated Premises Supervisor shall keep a record and proof of regular testing and certification of appliances, systems etc pertinent to public safety and these shall be available on demand for inspection by the relevant statutory agencies.

PROPOSED OPERATING SCHEDULE

1. A CCTV will be fully in operation inside with at least one camera pointing to the cash desk.
2. A notice advising that CCTV has been installed shall be visibly displayed in the premises.
3. The CCTV system will be set to record from the time the premises are open to the public until the premises close. Such recording to be made available for inspection by the police or other statutory authority on demand.
4. Such recording to be kept for a minimum of thirty days.
5. All spirits and tobacco product will be kept behind the counter desk and no customer will be allowed beyond cashier's counter desk. All sale of alcohol which customer requests will be sold to over 18 by well trained cashier.
6. All sales of alcohol will be made by the designated premises supervisor or a personal licence holder.
7. The premises will operate a photo ID proof of age scheme. Challenge 25 scheme will be implemented and notice will be displayed in store visible to all customers.
8. A notice advising that the premises operate a photo ID proof of age scheme shall be visibly displayed.
9. A refusal book shall be maintained, recording refusals of restricted sales and the reasons for refusal. Such refusals book to be made available on demand for inspection by the police or other relevant statutory agency. Designated Premises Supervisor will oversee the records regularly to take appropriate action to prevent further attempt by underage persons buying alcohol.
10. The designated premises supervisor shall subscribe to the Portman Group Code of practice on the Naming, Packaging and Promotion of Alcoholic Drinks.
11. The Designated Premises Supervisor shall ensure all appropriate steps for compliance with fire safety precautions are carried out, regularly inspected and maintained including the provision of clearly signed fire exits and fire extinguishers along with smoke detectors and fire alarms.

12. The Designated Premises Supervisor shall keep a record and proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc.. Pertinent to public safety and these shall be available on demand for inspection by the relevant statutory agencies.
13. The Designated Premises Supervisor shall ensure that the area outside the premises are kept clean and tidy and all refuse is disposed of according to the local refuse system in place.
14. A notice advising customer to leave the premises in an orderly manner and to be mindful of neighbours to be visibly displayed.
15. To run this Off Licence Premises efficiently and adhere all rules and regulations pertaining to sale of alcohol, it is assured that all staff will be trained to understand and practice the full extent of Licensing Act 2003 and will hold Personal Licence.

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

THE ATTACHED PROPOSED OPERATING SCHEDULE SETS OUT CONDITIONS THAT ARE CONCERNED WITH FOUR LICENSING OBJECTIVES. PROPER SUPERVISION, TRAINING OF MANAGEMENT STAFF SUITABLE PROOF OF AGE SCHEME AND REFUSAL BOOK WILL BE CARRIED OUT AND MAINTAINED. PLEASE SEE ANNEX 'PA'

b) The prevention of crime and disorder

THE PROPOSED OPERATING SCHEDULE WHICH IS ENCLOSED, SETS OUT CONDITIONS WHICH DEAL WITH THE PREVENTION OF CRIME AND DISORDER PRINCIPALLY THROUGH THE OPERATION OF CCTV, RESTRICTING THE PERSON SELLING ALCOHOL BY PERSONAL LICENCE HOLDERS, WHO ARE WELL TRAINED AND STRICTLY IMPLEMENT SUITABLE PROOF OF AGE SCHEME AND MAINTAINING REFUSAL BOOK AT THE PREMISES.

c) Public safety

THE PROPOSED OPERATING SCHEDULE OUTLINES THE CONDITIONS WHICH DEAL WITH THE PROMOTION OF PUBLIC SAFETY BY WAY OF EFFECTIVE FIRE PRECAUTIONS AND SAFETY CHECKS. PLEASE SEE ANNEX 'PC'

d) The prevention of public nuisance

THE PROPOSED OPERATING SCHEDULE WHICH IS ATTACHED HERE, SETS OUT CONDITIONS WHICH DEAL WITH THE PREVENTION OF PUBLIC NUISANCE CONCERNING ALL THE AREAS. THE DESIGNATED PREMISES SUPERVISOR WILL SEE THAT THE AREA IS KEPT CLEAN AND TIDY AND THAT ALL REFUSE ARE DISPOSED OF ACCORDING TO LOCAL REFUSE COLLECTING SYSTEM IN PLACE.

e) The protection of children from harm

THE ENCLOSED PROPOSED OPERATING SCHEDULE SETS OUT CONDITIONS THAT TAKE CARE WITH THE PROTECTION OF CHILDREN FROM HARM PRINCIPALLY OPERATING A PHOTO ID, PROOF OF AGE SCHEME, APPLICATION OF CHALLENGE 25, MAINTAINING OF REFUSAL BOOK AND THAT ALL SALE OF ALCOHOL WILL BE HANDLED BY WELL TRAINED PERSONAL LICENCE HOLDERS. DPS WILL TAKE NECESSARY STEPS TO ELIMINATE AND ATTEMPTS OF PROXY PURCHASE AND WILL STRICTLY IMPLEMENT REQUIREMENT OF PROOF OF APPROVED IDS.

- Please tick yes
- I have made or enclosed payment of the fee
 - I have enclosed the plan of the premises
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
 - I understand that I must now advertise my application
 - 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	20.12.2012
Capacity	APPLICANT'S SOLICITORS.

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	/
Capacity	

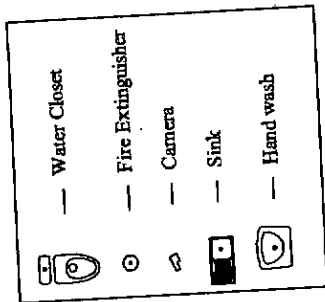
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Greater London Solicitors.
1st floor, 343 London Road.

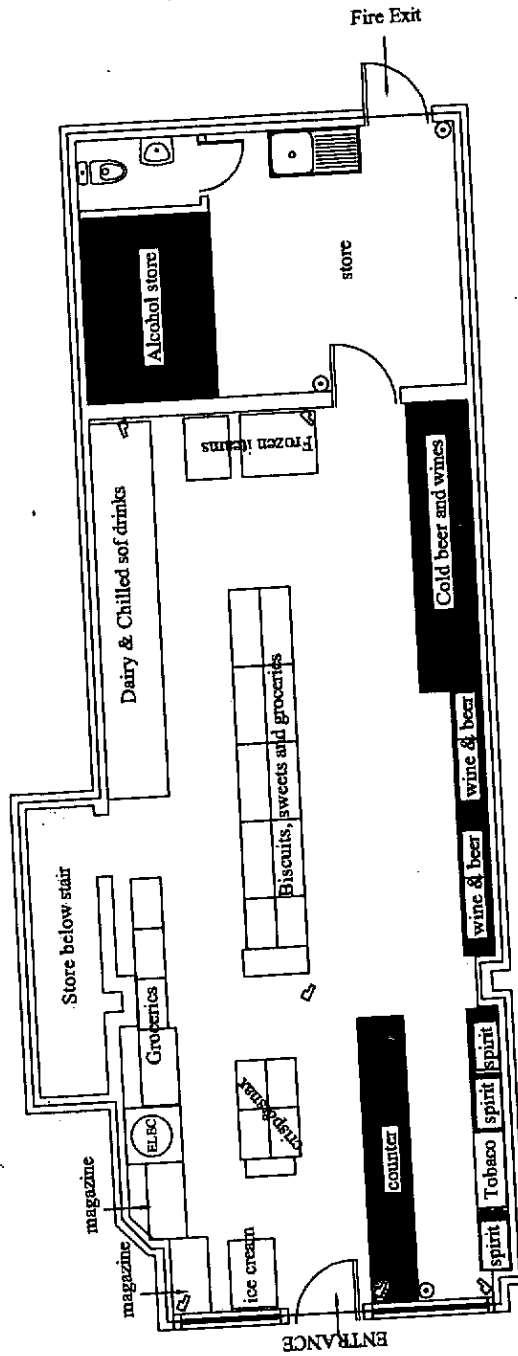
Post town	Croydon	Post code	CR0 3PA
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			



LOCATION MAP



LEGAND



GROUND FLOOR PLAN

Date:-18/12/2012

Scale:- 1:100

Dwg.no:
TLM/NES/01

Design by:
B.SABULAL

TITLE: 6 ATHELSTAN ROAD; SO19 4DD



THALAM



HAMPSHIRE CONSTABULARY

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

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

Hampshire Constabulary wish to make a representation(s) regarding the grant or variation of a Premises Licence or Club Premises Certificate issued under the Licensing Act 2003.
These representations must be made within 28 days

Postal address of premises or club premises:			
Premier 6 Athelstan Road			
Post town:	Southampton	Postcode:	SO19 4DD

Name of premises licence holder or club holding club premises certificate (if known)
Mr Perinpamoorthy Sithamparanathar

Police Details

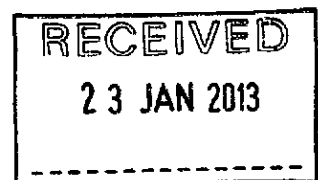
Hampshire Constabulary is a responsible authority.

Name and address:
PC 22237 Sharon Conway Southampton Central Police Station Southern Road Southampton SO15 1AN

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

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

*Please select
one or more
boxes*





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

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

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

- 1) The prevention of Crime and Disorder
- 4) Protection of Children from Harm

The police have concerns over the application. These concerns are outlined below:

Premier, 6 Athelstan Road, was formally known as Georges. The premises did have a Premises Licence with the previous owner, Ozgur Ekinci. Due to failures to promote the licencing objectives by Mr Ekinci, Hampshire Constabulary and Trading Standards applied for a review of the licence. This hearing was conducted on 27th March 2012. The decision of the sub-committee was to revoke the premises licence. The sub-committee's decision was upheld on appeal on 21st September 2012. (Annex A, B, C).

The current applicant, Mr Perinparamoorthy Sithampanathar, took over the Premier store in August 2012. Mr Sithampanathar also took over another store, London Off Licence, 27 St Catherine's Road, Southampton. The London Off- Licence has strict conditions attached to it since March 2011. (annex D). Although these conditions were put in place due to failings by the previous owner, Mr Sithampanathar would have been fully aware of the situation of the store when he took over. The conditions remained in place when Mr Sithampanathar varied to the licence to himself as the premises licence holder and designated premises supervisor in August 2012 (annex E). Mr Sithampanathar has a duty to uphold these conditions, in support of the licensing objectives.

Hampshire Constabulary believe that Mr Sithampanathar has not fully understood his responsibilities to uphold the licensing objectives at his current premises. Hampshire Constabulary believe a second premises licence, which under this application will be the same management and DPS, will not be managed effectively by Mr Sithampanathar, thus further undermining the licensing objectives.

PC John Harris from the Police Licensing Team made a visit to Mr Sithampanathar on 10th August 2012. The meeting is detailed in Annex F.

During this meeting, a number of issues were found with the conditions not being met.

Mr Sithampanathar did not know how to use the CCTV system. At this time, the CCTV system only held 19 days of footage, it was explained to PC Harris that an engineer had adjusted this. Efforts were being made by Mr Sithampanathar to address the issues raised. On 29th October 2012, Mr Sithampanathar made contact with the police licensing team, advising that the CCTV had been



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

replaced, and was suitable to be checked by police (annex G).

Mr Sithamparanathar did not have any due diligence training in place, which forms part of his conditions.

On a positive note, the till had a good prompt system for age-related products, asking the staff member to check the persons age. However, there were some aspects of the condition in relation to the refusals book condition not being met.

Mr Sithamparanathar had retained the invoices in relation to his ownership of the store.

As this was the first visit with Mr Sithamparanathar, advice was provided and time was allowed in order for the breaches to be resolved.

A summary of the visit and the actions required was provided, in a letter, to Mr Sithamparanathar dated 15th August 2012. (annex H).

On 8th December 2012, police conducted a test purchase operation. The London Off Licence was visited as part of that operation. A member of staff sold a bottle of wine to a child, who was aged 17 years old. The child was in the company of a 16 year old. No challenge with respect to the age of either child was made. The sale of alcohol to a child under 18 is a matter which is taken seriously by Hampshire Constabulary. The member of staff did not implement the condition to challenge customers who look to be under the age of 25, which is a breach of the licence. Had the child and the friend been challenged, the sale would have not happened. This incident demonstrates that the licensing objectives to prevent crime and disorder to protect children from harm are being seriously undermined. This sale is documented in Annex J.

A follow up meeting was conducted with Mr Sithamparanathar, PC John Harris and PC Sharon Conway. Mr Sithamparanathar advised officers that he had gone through refresher training with the member of staff. The training was a verbal refreshment of relevant areas from Mr Sithamparanathar's approved personal licence holder (APLH) literature. Mr Sithamparanathar has made no formal record of this training being given, or that the member of staff fully understood his responsibilities. This undermines the licensing objective to prevent crime and disorder.

It was established that the member of staff was not a personal licence holder himself. As such, for the member of staff to serve alcohol, the condition on the premises is for staff 'to be trained to NCPLH (national certificate of personal licence holder) level', or to be directly supervised by a personal licence holder. During the sale, the member of staff was not supervised. Mr Sithamparanathar cannot show that the member of staff concerned has been satisfactorily trained to the standards warranted by the condition. This shows a lack of understanding of the responsibilities dictated by the premises licence, undermining the licensing objectives to prevent crime and disorder and protect children from harm.

Mr Sithamparanathar has elected to train his staff himself, by disseminating his own training. A training record was seen, but was inadequate. The record was not dated. The record was headed 'Individual training record', but was clearly signed by two different members of staff. The record intimated that a quiz had been conducted, as the signatures were next to boxes marked 'initial training



HAMPSHIRE CONSTABULARY

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

quiz' and 'refresher training quiz'. When asked, Mr Sithampananathar could not provide the quiz that he had used to train his staff.

Although it can be argued that disseminating his own training complies with the condition to have staff trained to NCPLH level, records of this training must be maintained to the standards required by the licence which Mr Sithampananathar is operating under. Failure of this seriously undermines the licencing objectives to prevent crime and disorder and protect children from harm.

As part of this meeting, the conditions of the licence for the London Off Licence were checked. The conditions that Mr Sithampananathar has proposed for Premier, Athelstan Road, are similar to the conditions he is currently operating.

As highlighted, training is disseminated and conducted by Mr Sithampananathar. Records of this training are not adequate and do not adhere to the current conditions. In his application for a premises licence for Premier, Athelstan Road, Mr Sithampananathar has provided a proposed operating schedule. He has proposed that 'all sale of alcohol which customer requests will be sold to over by well trained cashier'. Mr Sithampananathar has further proposed '...all staff will be trained to understand and practice the full extent of Licensing Act 2003'. The current operating of London Off Licence does not support this proposal. Hampshire Constabulary believe that, as Mr Sithampananathar has not been able to train his current staff to the level required, he will not be able to maintain the training of further staff at a second store. Lack of training seriously undermines the licensing objectives to prevent crime and disorder and protect children from harm.

Mr Sithampananathar proposes CCTV to be fully operational inside Premier, Athelstan Road. CCTV is a condition which Mr Sithampananathar currently operates at London Off-Licence. In August 2012, problems were encountered which meant the CCTV was not operational or adhering to the condition. In checking the CCTV on 9th January 2013, it was found that the storage capacity was only covering 12 days, not the required 30 days. Mr Sithampananathar was unaware that the storage was not at the required level. CCTV is a good tool to assist Mr Sithampananathar uphold the licencing objectives. With the CCTV not working as it should, not only is Mr Sithampananathar breaching his conditions, he is undermining the licencing objectives to prevent crime and disorder. It is believed that a second premises licence will further undermine the licensing objectives to both stores.

Mr Sithampananathar has proposed in his application for Premier, Athelstan Road, to remain the DPS at London Off Licence as well as at Premier. The role of the DPS is to have day to day control of the premises. With Premier, Athelstan Road, the proposed conditions are such that close control is required to maintain adherence to the conditions, therefore supporting the licencing objectives. At this time, Mr Sithampananathar needs to be in full control of the licence he has already in place. Hampshire Constabulary believe that to add a second premises licence and the responsibilities of DPS for a second store would undermine the licensing objectives to prevent crime and disorder and protect children from harm. Mr Sithampananathar has not yet established full adherence to the licence already in place, having been operating for six months.

Mr Sithampananathar has stated that he will split his time between both stores. This is not a suitable



HAMPSHIRE CONSTABULARY

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

arrangement. Hampshire Constabulary believe that neither store will then be operating in support of the licensing objectives to prevent crime and disorder and protect children from harm.

At this time, Hampshire Constabulary believe that a premises licence should not be granted to Mr Sithamparanathar for Premier, Athelstan Road. Under the same management and DPS, neither the current premises licence held by Mr Sithamparanathar, nor any further premises, will be effectively managed to the full support of the licensing objectives.

The premises licence which Mr Sithamparanathar is already in control of needs further work to fully support the licensing objectives.

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

Hampshire Constabulary oppose the granting of a premises licence at this time. However, should the Licensing Committee grant a premises licence, the following conditions are proposed.

Proposed expanded operating schedule -

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 will be able to cope with strobe lighting (where used) 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



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

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.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

Incident book

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

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

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

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

Refusals book

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

Challenge 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.



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

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

5) Training-

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff, including current personal holders, will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

Storage

All spirits and tobacco products will be kept behind the counter desk and no customer will be allowed beyond the cashier's counter desk.

Sales of alcohol

All sales of alcohol will be made by the designated premises supervisor or a personal licence holder.

Further conditions proposed by the applicant - Items marked 10,11,12,13 and 14 in proposed operating schedule are agreed.



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

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

Part 3 – Signatures (please read guidance note 3)

Recommendation of Police Officer

A Premises Licence should not be granted.

Signature of Police Officer Completing

Signature:

Date: 18/1/13

Recommendation of Police Sergeant

I fully support this objection as the applicant has failed to show an understanding or application of the licensing objectives and the law with the current premises.

Signature of Police Sergeant

Signature:

Date: 21/01/13

Decision of Police Licensing Inspector



HAMPSHIRE CONSTABULARY

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

Objection approved.

Signature of Police Licensing Inspector

Signature:

Insp 1399 McGeough

Date:

24/01/2013

NOTES FOR GUIDANCE

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for representation if available.
3. The representation form must be signed.



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

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

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

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

Premises or Club Premises details

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

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

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

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: Police Constable
Surname: Wood First Names: Bethan
Current postal address : Southampton Central Police Station Southern Road Southampton
Postcode: SO15 1AN
Daytime telephone number: 02380 674768
E-mail address: (optional)

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



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

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

Select one or more
boxes

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

If yes please state the date of that application:

/ /
Day Month Year

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

APPLICATION MADE BY TRADING STANDARDS MARCH 2011

Please tick

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

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

Signature of Officer Completing

Name PC Bethan WOOD

Collar Number: 24191

Signature: _____

Date: 13th February 2012

Signature of Authorising Officer (Inspector or above)

Name _____

Collar Number: _____

Signature: _____

Date: _____

Annex B

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

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

Direct dial: 023 8083 3002

Our ref: 2011/02977/01SRAP - LL25/0094

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

E-mail: licensing@southernhampton.gov.uk
Please ask for: Mr. Andy Jeffery



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

Tuesday, 27 March 2012

Dear Sir,

Application for Review of a Premises Licence
George's, 6 Athelstan Road, Bitterne, Southampton, SO19 4DD

I refer to the application for review of the above Premises Licence and the consideration given to it by the City Council's Licensing (Act 2003) Sub-Committee on 22nd March 2012. Accordingly, I enclose a copy of the decision as read at hearing. Minutes of the hearing will be published on the Council's website in due course.

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

Should a notice of appeal not be made to the Magistrates' Court, the premises licence will be revoked from Wednesday 18th April 2012. Should this be the case, I will write to you further before this date.

Yours faithfully,

for Head of Legal & Democratic Services

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

Switchboard: 023 8022 3855,

DX: 115710 SOUTHAMPTON 17

www.southampton.gov.uk/licensing/licensing

LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE
DECISION OF THE MEETING HELD ON 24TH MARCH 2011
GEORGES (PREVIOUSLY KNOWN AS JACE EXPRESS),
6. ATHELSTAN ROAD, BITTERNE, SOUTHAMPTON, SO19 4DD

The decision and reasons shall be forwarded to all parties in due course.

The Sub-Committee considered the review application with regards to the Premises Licence at 'Georges' and had regard to The Licensing Act 2003, the Licensing Objectives, statutory guidance, regulations and the adopted statement of Licensing Policy. Human Rights legislation was borne in mind whilst making the decision.

The Sub Committee paid due regard to all the submissions both written and oral including additional evidence produced at the hearing with the consent of all parties:

The Sub Committee accepted legal advice that matters relating to other premises ought not be taken into consideration when determining the review of this premises licence. Accordingly they were excluded from consideration.

It was noted that the premises had previously been the subject of review proceedings and that revocation was seriously considered in that instance by the Sub-Committee at that time. However, on that occasion the licence was suspended and conditions attached to the licence.

DECISION

In light of very careful consideration of all of the above matters the Sub-Committee has determined that the licence shall be revoked.

REASONS

The Sub-Committee takes the sale of counterfeit alcohol very seriously. The potential health implications for consumption of such alcohol by those purchasing alcohol at the premises can not be understated. In this regard the Sub-Committee considered the argument raised that it was prevented, by the Guidance, from considering such given it relates to public health and not public safety which concerns the physical aspects of the building itself and no more. That argument was rejected given the Guidance states that public safety "is concerned with the physical safety of the people using the relevant premises". If a consumer is ill as a result of consuming counterfeit alcohol it is considered that this affects their physical safety no less than a defective building. "Public

health" is clearly referring to a wider section of the public and not the potential for harm to an individual as there is in this case.

The Sub-Committee noted the argument that the alcohol was left behind by previous owners and that there was conflict in the evidence given as to when this type of counterfeit alcohol was available. It makes no determination on the point as it considers the failure to check on the validity of the alcohol in the first instance to be sufficient to show a lack of regard for the Licensing Objectives, which is emphasised by the fact that the premises has been the subject of a previous review and which therefore should have alerted the premises licence holder to the potential for an issue with the alcohol – irrespective of where it came from or when (and if) it was purchased.

The Sub-Committee is satisfied that the sale of counterfeit and therefore most likely non-duty paid alcohol in this instance, in light of the previous proceedings and conditions imposed at that time are sufficient grounds for revocation, however, notes that in addition there are clear breaches of conditions and an underage sale which cause serious concern. The fact that the Challenge 25 policy was not properly implemented has directly led to the sale of alcohol to a 17 year old girl. Underage sales are always taken very seriously.

The argument was raised that these proceedings effectively amount to a "second bite of the cherry" and therefore fall foul of paragraph 11.13 of the Guidance. This argument is rejected on the basis that the Guidance refers specifically to taking proceedings where the previous have failed. That is not the case here.

Accordingly, and in light of the significant evidence of the Police and Trading Standards relating to the sale of counterfeit alcohol combined with multiple breaches of conditions and an underage sale the Sub-Committee was satisfied that revocation was the only option of all those available. The Sub-Committee was satisfied that this was necessary and proportionate in all the circumstances.

There is a right of appeal to the Magistrates' Court and the formal notification of the decision will set out that right.

Working Sheet

Hampshire Constabulary

Printed: 17/01/2013 11:13 by 22237

Occurrence: **44090025965 Z Prem Licence (Management Occurrence)**

Author:	#24191 WOOD, B.	Report time:	24/09/2012 12:24
Entered by:	#24191 WOOD, B.	Entered time:	24/09/2012 12:24
Remarks:	Licence Revocation Upheld in Court		

Appeal hearing held on 21st September 2012. District Judge Calloway ruled SCC's decision to be correct and the revocation came into immediate effect.

Visited store at 1150hrs on 24th September - all alcohol removed from display. A few bottles remain in the stock room but I am advised that these are the last to be removed from the premises.

24191



Schedule 12
Part A
Premises Licence

Regulation 33,34

Premises licence number 2011/00014/01SRAP

Part 1 – Premises details

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

London Off Licence 2
27 St. Catherines Road
Southampton
SO18 1LL

Telephone number 023 8067 2039

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Supply by retail of alcohol	
Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

The opening hours of the premises

Monday	08:00 - 23:20
Tuesday	08:00 - 23:20
Wednesday	08:00 - 23:20
Thursday	08:00 - 23:20
Friday	08:00 - 23:20
Saturday	08:00 - 23:20
Sunday	10:00 - 22:50

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the premises

Part 2

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

Imam Ekinci

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

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

Ozgur Ekinci

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

Licence Num
Licensing Aut

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

Dated this 30th day of March 2011

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

Solicitor to the Council

Annex 1 – Mandatory Conditions

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

1 EMBEDDED CONDITIONS FROM CHILDREN AND YOUNG PERSONS ACT 1933

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

2 EMBEDDED CONDITIONS FROM THE LICENSING ACT 1964

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08:00 to 23:00
- (b) On Sundays, other than Christmas Day, 10:00 to 22:30
- (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- (d) On Good Friday, 08:00 to 22:30

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

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

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

The holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the Licensing Authority proving that individual to be 18 years of age or older.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. Notices regarding the store's Challenge 25 policy must be displayed.

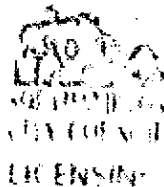
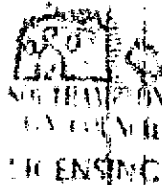
All staff who sell alcohol will be trained to NCPLH (National Certificate of Personal Licence Holder) level. All sales of alcohol must be directly supervised and authorised by a Personal Licence Holder until such staff have achieved training to NCPLH level.

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

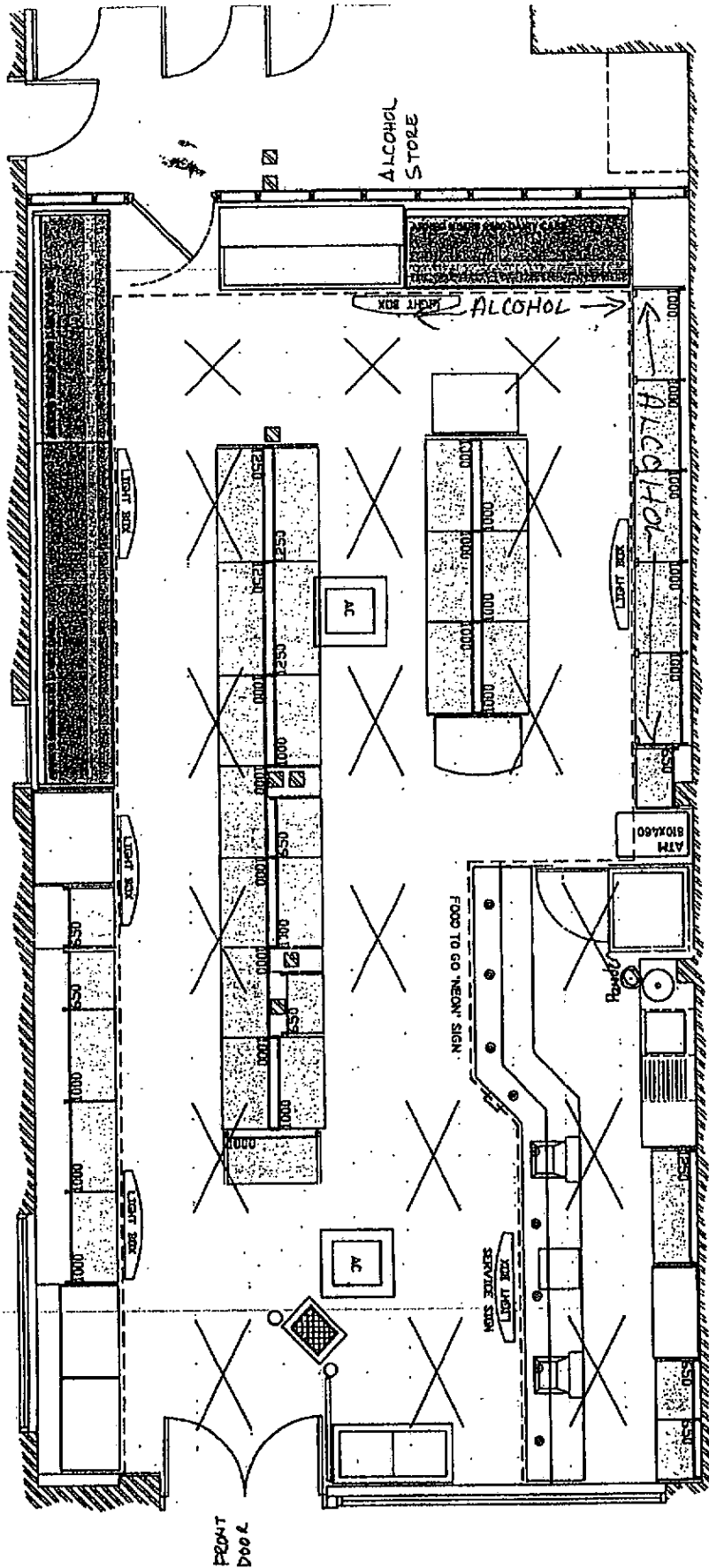
The holder of the premises licence shall keep a written record, namely a refusals book, of those incidents where a person who a member of staff believes to be under the age of 18, and is unable to produce acceptable means of identification proving that they are of 18 years or more, attempts to purchase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

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

CITY COUNCIL
LICENSING



Annex 4 - Plan



SCALE 1:100.

27 ST. CATHERINES RD.
BITTNER PARK
SOUTHAMPTON.
SO18 1LK.

PAVEMENT TO ST. CATHERINES RD.

Plan not reproduced to scale.



Schedule 12
Part A
Premises Licence

Regulation 33,34

Premises licence number 2012/01617/01SPRD

Part 1 – Premises details

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

London Off Licence 2
27, St. Catherines Road
Southampton
SO18 1LL

Telephone number 023 8178 3959

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Supply by retail of alcohol
Monday 08:00 - 23:00
Tuesday 08:00 - 23:00
Wednesday 08:00 - 23:00
Thursday 08:00 - 23:00
Friday 08:00 - 23:00
Saturday 08:00 - 23:00
Sunday 10:00 - 22:30

The opening hours of the premises

Monday 08:00 - 23:20
Tuesday 08:00 - 23:20
Wednesday 08:00 - 23:20
Thursday 08:00 - 23:20
Friday 08:00 - 23:20
Saturday 08:00 - 23:20
Sunday 10:00 - 22:50

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

Part 2

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

Sithamparanathar Perinpamoorthy

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

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

Sithamparanathar Perinnamoorthy

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

Licence Number:
Licensing Authority

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

Dated this 16th day of August 2012

Head of Legal, HR & Democratic Services

Licensing – Southampton City Council
Southampton & Eastleigh Licensing Partnership
PO Box 1344
Southampton
SO15 1WQ

Annex 1 – Mandatory Conditions

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

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

1 EMBEDDED CONDITIONS FROM CHILDREN AND YOUNG PERSONS ACT 1933

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

2 EMBEDDED CONDITIONS FROM THE LICENSING ACT 1964

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08:00 to 23:00
- (b) On Sundays, other than Christmas Day, 10:00 to 22:30
- (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- (d) On Good Friday, 08:00 to 22:30

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

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

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

2. The holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the Licensing Authority proving that individual to be 18 years of age

or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. Notices regarding the store's Challenge 25 policy must be displayed.

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

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

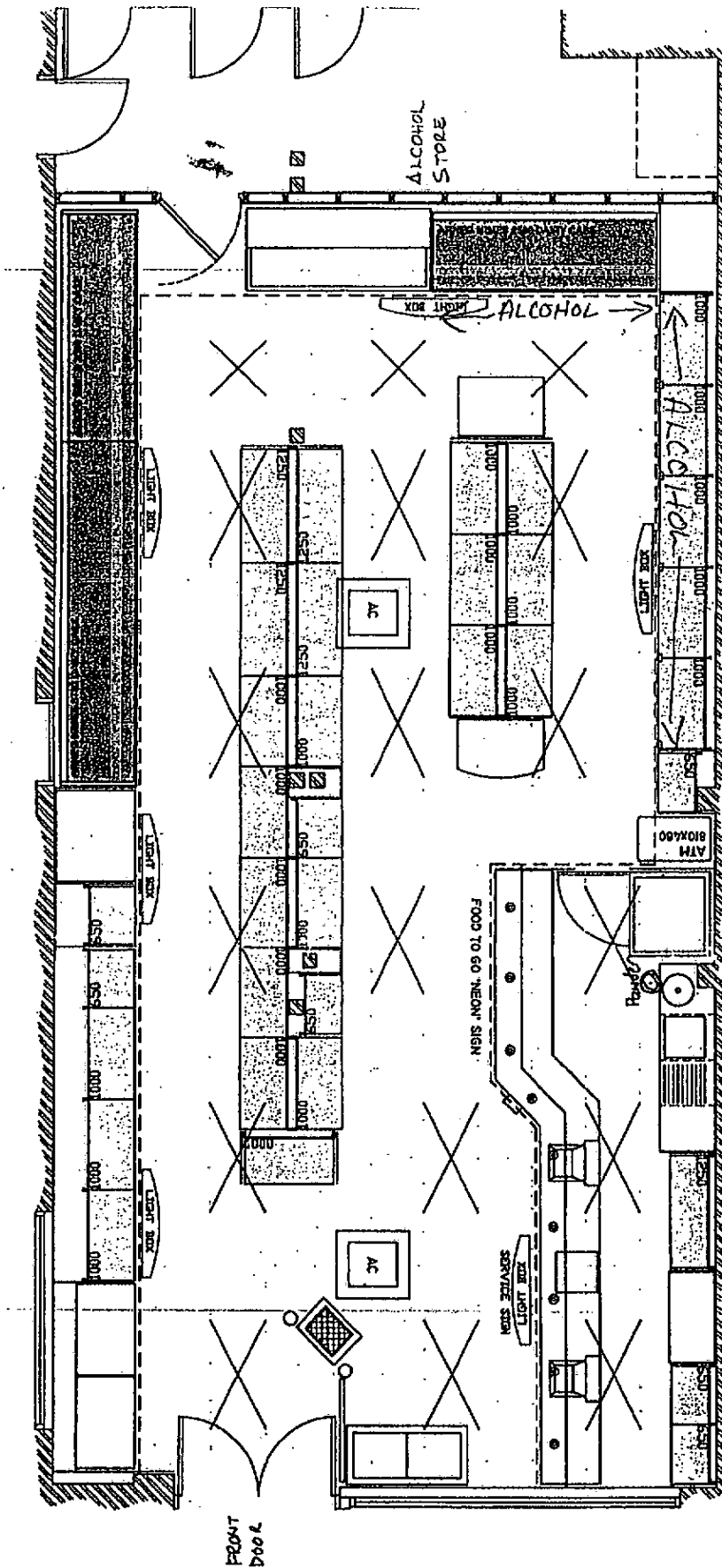
5. The holder of the premises licence shall keep a written record, namely a refusals book, of those incidents where a person who a member of staff believes to be under the age of 18 and is unable to produce acceptable means of identification proving that they are of 18 years or more, attempts to purchase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

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

RECEIVED
HAMPSHIRE
LICENSING

RECEIVED
HAMPSHIRE
LICENSING

Annex 4 - Plans



SCALE 1:100.

27 ST. CATHERINES RD.
BITTERNE PARK.
SOUTHAMPTON.
SO18 1LL.

PAVEMENT TO ST. CATHERINES RD.

Plan not reproduced to scale.

Working Sheet

Hampshire Constabulary

Printed: 17/01/2013 10:34 by 22237

Occurrence: 44100017866 Z Prem Licence (Management Occurrence)

Author:	#24288 HARRIS, J.	Report time:	10/08/2012 14:26
Entered by:	#24288 HARRIS, J.	Entered time:	10/08/2012 14:26
Remarks:	Premises visit		

Met with new DPS. Licence was not on display as it is with the council being update with the new dps details. I explained that as soon as he receives the documents part b must be put on display so customers can see it.

CCTV appeared to be working, with accurate date and time. As the new dps has just taken over, he did not know how to use it. The hard drive is also in the false ceiling above the monitor and not accessible without a step ladder. I did not look at the system as the dps informed me that on Monday an engineer is coming out to set up a wireless device that will connect it to his laptop. A further visit will need to be conducted to check. The system he was sure should record for 30 days as the engineer has already been out to adjust it as it was only initially recording for 19 days.

There is a good till prompt system at the premises which will ask the staff member to check the persons age. If they say that a check was necessary, it automatically prints off a receipt advising what the product was, the reason for the check and outcome. All that was missing was a description of person/s involved and estimated age of the person involved as per the licence condition. I have gone on to explain the use of a diarised incident book and suggested the inclusion of refusals as it would be easier for reference over the receipts.

The DPS was retaining all purchase receipts of alcohol as per the condition.

He has no due diligence in place as of yet so i advised i would send him our standard letter with the links which will enable him to put a pack together. He is aware of the condition and will ensure he is adhering to it as soon as possible.

I left the dps with a number of posters regarding challenge 25 and proxy sales which he will display in the shop.

PC 24288 HARRIS

Annex G.

Working Sheet

Hampshire Constabulary

Printed: 17/01/2013 10:34 by 22237

Occurrence: **44100017866 Z Prem Licence (Management Occurrence)**

Author: #24288 HARRIS, J.

Report time: 29/10/2012 12:07

Entered by: #24288 HARRIS, J.

Entered time: 29/10/2012 12:07

Remarks: DPS called 25/10/12

Advised that he has had to replace all of the CCTV system. This is now complete and can be checked.

24288 Harris



Hampshire Constabulary
Chief Constable Alex Marshall

Mr P Sithamparanathar
 London Off Licence
 27 St. Catherines Road
 Southampton
 SO18 1LL

Police Licensing Unit

Southampton Central Police Station
 Southern Road
 Southampton
 Hampshire
 SO15 1AN

Our ref: 44100017866

Your ref:

Telephone: 0845 045 45 45

Direct dial: 023 8067 4768

Fax No: 0845660037

Deaf/speech impaired minicom: 01962 875000

Email: western.licensing@hampshire.pnn.police.uk

15th August 2012

Dear Sir,

This letter is with regard to our meeting on 10th August 2012 at London Off Licence. At the meeting a number of issues were discussed and are summarised on the attached sheet.

As we discussed, the Hampshire Constabulary are committed to working with the licensees in promoting the four licensing objectives i.e. –

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

At this time, the police consider that further measures could be taken to ensure the licensing objectives are actively being promoted. Should further incidents occur at the premises and the suggested measures not been introduced, then we may look to take the matter further and this could be by a review of the premises licence.

Yours faithfully

Violent Crime Reduction & Licensing Team
 Southampton Central Police Station



Hampshire Constabulary
Chief Constable Alex Marshall

Meeting at London Off Licence 10th August 2012

Persons present during the meeting-

PC 24288 Harris & Mr Sithamparanathar

General Licensing Advice:

You advised you took over the premises licence around three weeks ago. You were aware of the conditions on the licence and although some were currently being breached, you were working towards getting these matters resolved. Although we have given leniency at this stage, due to you only having taken over, should you fail to address the breaches in the licence conditions, we may look to review the premises licence or report you for the offences, which could lead to a prosecution.

CCTV

Police: Although I could see a number of cameras located around the premises, along with a monitor showing images from 4 of the cameras, the hard drive was located in the false ceiling. You advised that you did not know how to operate the system and because of this I decided not to look at the system any further. CCTV is a condition of the licence and it must be able to retain recorded footage for 30 days and you must be able to use it, producing a copy of recorded footage to disc upon request.

DPS: You realised that it was not suitable to have the hard drive located in the roof space and had arranged for an engineer to attend the premises on 13/08/12. The engineer was to install software on to your laptop so you could view the CCTV wirelessly and enable you to copy recorded footage. Please could you contact me a.s.a.p. to confirm this has taken place.

Training

Police: You had no due diligence training in relation to the sale of alcohol to persons under the age of 18, the signs and symptoms of drunks or refusal of sale due to intoxication. This is a breach of your licence. You must produce a due diligence training package for your staff that is delivered every 6 months and they must sign and date to confirm that it has been received. I have enclosed the internet links below which should help you to form a training package. These links were formed by conducting a simple search on the internet where there are numerous companies and literature available regarding due diligence training. It is not a recommended or definitive list, but is an example of the variety of courses available. Please could you update me no later than 29/08/12 on the progress in producing this training package.

Responsible service of alcohol – a servers guide (free)

<http://www.icap.org/LinkClick.aspx?fileticket=QmsJ586LB4Q%3D&tabid=111>

Service Excellence Passport (£2.50 each)

<http://www.abvtraining.co.uk/index.htm>

Flow, Licensing & social responsibility (£36.00)

<http://www.flowhospitalitytraining.co.uk/hospitality-training/licensing-training>



Hampshire Constabulary
Chief Constable Alex Marshall

BIIAB Level 1 Award in Responsible Alcohol retailing training course (£55.00)
<http://www.accesstraining.co.uk/Training-Courses-And-Consultancies/Licensed-Trade-Courses/BIIAB-Level-1-Award-in-Responsible-Alcohol-Retailing/>

Act 2003 Ltd DVD & training package (£69.99)
http://www.act2003.co.uk/underage_dvd.htm

Licensing Matters Due diligence training packages (price varies)
<http://www.licensingmatters.net/duediligence.html>

... meeting
Annex J

Occurrence summary

Hampshire Constabulary


Printed: 17/01/2013 10:31 by 22237

Occurrence: 44120476312 Other crime @08/12/2012 23:21

Date/Time: between.... 08/12/2012 23:21 and 08/12/2012 23:21

Clearance status: Filed

Involved person(s):

- 1) [Aggrieved] THE STATE (HAMPSHIRE CONSTABULARY HEADQUARTERS, ROMSEY ROAD WINCHESTER, HAMPSHIRE United Kingdom SO22 5DB (POLICE) (OCU: 3 NORTHERN, District: O WINCHESTER & EAST HANTS, Sector: OC WINCHESTER RURAL NORTH, Beat: 3OC01 WINCHESTER CITY)), Id #:7
- 2) [Fixed penalty; Subject] 

Involved address(es):

- 1) [Occurrence address] 27 ST. CATHERINES ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO18 1LL (LONDON OFF LICENCE & GROCERY) (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SL BITTERNE NORTH, Beat: 1SL01 BITTERNE & TOWNHILL)

Involved vehicle(s):

Involved officer(s):

- 1) #14408 STAMP, G. (Assisting officer)
- 2) #11811 SEVERN, J. (Loggist)
- 3) #20916 CARTER, L. (Officer in case)
- 4) #95717 WELDON, J. (Assisting officer; Detecting officer; Reporting officer)

Flag(s):

Summary: **TEST PURCHASE OPERATION HIT** Sale of alcohol to person under age of 18.

Remarks:

WITNESS STATEMENT

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

URN: | | |

Statement of: **PC LOUISE CARTER**
Age if under 18: (if over 18 insert 'over 18') Occupation: **Police service**

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

Signature:

24/06/2012

PC LOUISE CARTER

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

I am PC 20916 Carter currently stationed at BITTERNE police station as an Engagement Officer this statement details a test purchasing operation that I took part in on Saturday 8th December 2012. I was in plain clothes the entire duration.

At 1845 hours I took a photograph of FEMALE TEST PURCHASER 1 which I provide as exhibit reference AM/LAC/01 and a photograph of FEMALE TEST PURCHASER 2 which I provide as exhibit KG/LAC/01

I will refer to my colleagues as PCSO 14008 Stamp and SC 95717 Weldon and FEMALE TEST PURCHASER 1 AND FEMALE TEST PURCHASER 2 who all accompanied me throughout the duration of the operation.

At 2135 hours I entered LONDON OFF LICENCE AND GROCERY STORE, 27 ST CATHERINES ROAD, BITTERNE, SOUTHAMPTON, SO18 1LL, where I witnessed the sale of the alcohol bottle of white wine with the name VALENCIA on it to the FEMALE TEST PURCHASER 2 from a member of staff. I described the member of staff to SC 97515 WELDON and PCSO 14008 STAMP who where outside the shop, they both entered the premises with the alcohol whilst I took both FEMALE TEST PURCHASERS back to the vehicle.

I had no further dealings with this licensed premises.

Signed :

PC LOUISE CARTER

Signature witnessed by :



HAMPSHIRE CONSTABULARY

MG11T

Page 2 of 3

WITNESS STATEMENT

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

Continuation of Statement of: **PC LOUISE CARTER**.

Signed :

PC LOUISE CARTER

20916

Signature witnessed by :

2006/07(1)

44120241941/2984

WITNESS STATEMENT

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

URN

Statement of: **PCSO 14408 Gary STAMP**

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

Occupation: **Police Community Support Officer**

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

Signature: .. _____ (witness) Date: **08/12/2012**

I am PCSO 14408 Gary STAMP of Hampshire Constabulary. I am currently based at Bitterne Police Station and have been part of the Thornhill Safer Neighbourhoods Team for three and a half years.

This statement details how I witnessed a male selling alcohol to an underage test purchaser.

I will be referring to five people in this statement. The first two are the underage test purchasers and I will refer to them as PURCHASERS 1 & 2. The third is my colleague PC 20916 CARTER who acted as a plain clothes shopper in the store. I will refer to her as 20916. The fourth is the male shop worker who sold alcohol to the test purchasers. I will refer to him as CASHIER for the purposes of this statement. The last person I will be referring to is my colleague Special Constable 95717 WELDON and I will refer to him as 95717.

The incident took place at London Off Licence, St Catherines Road, Southampton.

At approximately 2135 hours on 8th December 2012 I was on duty in plain clothes participating in a Licensing Test Operation. 20916 entered Alpine News immediately after PURCHASERS 1 & 2. I remained in the unmarked police vehicle and awaited the result of the test purchase.

Approximately two minutes later 20916 and PURCHASERS 1 & 2 left the store. PURCHASERS 1 & 2 were carrying a bottle of Valencia white wine in a carrier bag. They informed me that a male cashier had sold them the wine without asking for proof of age and this was corroborated by 20916.

PURCHASERS 1 & 2 then gave me the bottle of wine and returned to our unmarked vehicle along with 20916 whilst I was joined outside the store by my colleague 95717.

I handed 95717 the bottle of wine and we entered the store in order to speak to CASHIER.

After identifying myself, I explained to CASHIER that PURCHASERS 1 & 2 were under the age of 18 and that he had committed an offence under Section 146 (1) of the Licensing Act 2003.

95717 then proceeded to fill out an £80 fixed penalty notice to CASHIER who at this point identified himself as _____

95717 cautioned _____ who fully admitted to making the sale and accepted the ticket.

The bottle of wine was retained by Police with the intention of using it for evidential purposes.

I would describe _____

I would not have a reason to recognise VARAJAAN if I saw him again.

Signature

Signature witnessed by:

[REDACTED]

[REDACTED]



WITNESS STATEMENT

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

URN

Statement of: 95717 J WELDON

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

Occupation: Police Officer

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

Signature: _____ (witness) Date: 08/12/2012

I am Special Constable 95717 Weldon employed by Hampshire Constabulary. I am stationed at Bitterne police station. I have been a Special at Bitterne for 3 months.

This is a statement which details myself seeing two female test purchasers leave a shop after purchasing alcohol. I will refer to the first test purchaser as Test Purchaser 1. I will refer to the second test purchaser as Test Purchaser 2. I will also be mentioning PCSO 14408 Gary Stamp and PC 20916 Louise Carter. I will also be mentioning the cashier involved in the purchase know to me by _____

On 8th December 2012 I was in full uniform in an Unmarked Police Vehicle with PC CARTER PCSO STAMP, Test Purchaser 1 and Test Purchaser 2 We were on a Test purchasing operation. At approximately 2135 hours we parked up outside 27 ST CATHERINES STREET .PC CARTER PCSO STAMP Test Purchaser 1 and Test Purchaser 2 went into the address whilst I stayed in the vehicle. I then saw PC Carter signalling to myself to join them at the address. PC Carter explained that he had been able to buy alcohol without being asked for ID. PC Carter gave me a bottle of Valencia White Wine as evidence of the purchase. At 21:40 I then entered the address with PCSO Stamp who pointed out _____ to be the cashier that had served Test Purchaser 1 and Test Purchaser 2.

PCSO Stamp and I explained that he had sold alcohol to a person under the age of 18 contrary to S146(1) Licensing Act 2003 and that he had failed the test purchase operation and proceeded to tell him that he would be given an £80 fine and that Licensing would be informed of the failure. I then gave _____ the now caution. _____ made no reply. I finished issuing him the ticket. _____ accepted the ticket signed and took the counterpart. Ticket URN 2028268 0

_____ I could not see what else he was wearing as he stood behind the counter. Visibility was good there was a counter as an obstruction to my view. The furthest away from _____ was 6 meters and the closest I was to _____ was arms length

I have had no previous dealings with _____

Signature

Signature witnessed by:

[Redacted signature line]

[Redacted signature line]



PROPOSED OPERATING SCHEDULE

1. A CCTV will be fully in operation inside with at least one camera pointing to the cash desk.
2. A notice advising that CCTV has been installed shall be visibly displayed in the premises.
3. The CCTV system will be set to record from the time the premises are open to the public until the premises close. Such recording to be made available for inspection by the police or other statutory authority on demand.
4. Such recording to be kept for a minimum of thirty days.
5. All sprits and tobacco product will be kept behind the counter desk and no customer will be allowed beyond cashier's counter desk. All sale of alcohol which customer requests will be sold to over 18 by well trained cashier.
6. All sales of alcohol will be made by the designated premises supervisor or a personal licence holder.
7. The premises will operate a photo ID proof of age scheme. Challenge 25 scheme will be implemented and notice will be displayed in store visible to all customers.
8. A notice advising that the premises operate a photo ID proof of age scheme shall be visibly displayed.
9. A refusal book shall be maintained, recording refusals of restricted sales and the reasons for refusal. Such refusals book to be made available on demand for inspection by the police or other relevant statutory agency. Designated Premises Supervisor will oversee the records regularly to take appropriate action to prevent further attempt by underage persons buying alcohol.
10. The designated premises supervisor shall subscribe to the Portman Group Code of practice on the Naming, Packaging and Promotion of Alcoholic Drinks.
11. The Designated Premises Supervisor shall ensure all appropriate steps for compliance with fire safety precautions are carried out, regularly inspected and maintained including the provision of clearly signed fire exits and fire extinguishers along with smoke detectors and fire alarms.

12. The Designated Premises Supervisor shall keep a record and proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc.. Pertinent to public safety and these shall be available on demand for inspection by the relevant statutory agencies.
13. The Designated Premises Supervisor shall ensure that the area outside the premises are kept clean and tidy and all refuse is disposed of according to the local refuse system in place.
14. A notice advising customer to leave the premises in an orderly manner and to be mindful of neighbours to be visibly displayed.
15. To run this Off Licence Premises efficiently and adhere all rules and regulations pertaining to sale of alcohol, it is assured that all staff will be trained to understand and practice the full extent of Licensing Act 2003 and will hold Personal Licence.

Working Sheet

Hampshire Constabulary

Printed: 17/01/2013 11:11 by 22237

Occurrence: **44100017866 Z Prem Licence (Management Occurrence)**

Author: #22237 CONWAY, S.

Report time: 17/01/2013 10:52

Entered by: #22237 CONWAY, S.

Entered time: 17/01/2013 10:52

Remarks: Meeting 09/01/13

Meeting – London Off Licence 09/01/13.

People present – Mr Sithamparanathar (DPS), PC Conway, PC Harris

TP failure – TP failure 08/12/12 was discussed. Member of staff involved, Raja Varajaan, was also present. DPS stated that he had conducted refresher training since this TP failure. This training was verbal training from the APLH literature which the DPS received from his own training. This refresher training has not been recorded. CCTV of the incident could not be viewed, as CCTV is not recording to conditions. DPS stated that he has seen the CCTV footage of the event. DPS was advised of the seriousness of the TP failure, and that any further TP failure would result in more formal action and/or review, particularly given the history of the premises.

Conditions check

CCTV – DPS has installed a new hard drive since the previous visit in August. The hard drive remains in the false ceiling, however, has been connected so that menus and functions can be controlled from the counter. Downloading can also be controlled from the counter. Downloading would be onto USB then converted onto CD/DVD as required. The condition does not state the format for downloads to be on.

Footage is of reasonable quality, with 3 external cameras, 1 directed to the entrance door, and 4 further internal cameras.

Storage – CCTV on 09/01/13 only stored back to 28/12/12 (10 full days and 2 half days). Condition is for 30 day storage. This apparently was an error on installation, but the DPS had not made any checks in the intervening period to check conditions were being met.

Refusals book

Refusals book is currently a mixture of written record and till prompt slips. The slips, although kept near the refusals book, are not securely attached. The recording contains both alcohol and cigarette refusals, with a mainly for no ID. The alcohol entries seemed sporadic. The last entry was 25/12, with 3 entries in

total for December. There was only one entry in November (25/11), one entry for October and 2 entries in September.

Advice was provided that the till prompt slips should be transferred and recorded in the refusals book, as per the condition. This will also greatly assist with ease of inspecting the records, the DPS knowing that all refusals are presented when requested.

Challenge 25

Challenge 25 posters in place. Refusals logged suggesting challenges being made in some circumstances. DPS advised that Challenge 25 should be a strict policy, as this would have avoided the TP failure.

Training

Training condition is 'all staff who sell alcohol will be trained to NCPLH level.' Currently the DPS is disseminating his training to his staff verbally, using the APLH literature he has been provided. The staff member who failed the TP confirmed that he is not a personal licence holder, and has only been trained by the DPS. The DPS stated that he goes over the book with his staff, and has highlighted areas in the book for the areas he covers.

Authorisation record for 2 members of staff seen – this was dated 07/09/12

Training records seen – these records were not adequate and did not meet the conditions. The training record the DPS had obtained is headed 'Individual training record' and has a table headed 'initial training quiz', 'refresher training quiz 1', 'refresher training quiz 2'. The table had two separate signatures, clearly from the two members of staff. One signature was in the 'initial training quiz' and the second signature was on the 'refresher training quiz 1'. Neither entry was dated.

The DPS stated that he thought that the form he was using was one form per premises. I advised that the record was an individual record, and should be one per staff member, and looked to be able to remain with the staff member throughout their employment, recording training for a number of years. In any event, the record had not been dated.

When asked about the questions which had been used in the quiz, the DPS was not able to provide them, saying that they were at home. Although not a condition, it was pointed out that if staff were signing to say that they had been tested on the training, police and the licensing authority would want to see the tests that had been conducted, as should remain on the premises as part of the training record.

Update 14/01/13 – DPS attended SC with training records for Raja Verajaan. This consisted of a signed 'individual training record', dated 11/01/13, a signed

'training statement' (copy obtained) and a set of questions. Unfortunately, the copy of the quiz which the DPS brought in, having been signed by VERAJAAN, was in fact the answer sheet. DPS stated that VERAJAAN had completed the questions on line, and the DPS had printed the wrong set to show. I have advised that all records should remain on the premises as the training record. I have also strongly advised that all staff be put on a APLH course, as not only would this mean the condition is met appropriately, then he would have flexibility to move staff should a licence be granted for Athelstan Road.

Invoices - DPS showed some invoices in relation to his stock. On checking, the invoices were not clearly marked / separated for the alcohol and non-alcohol products. It also transpired that 3 months of invoices, those up to October 2012, were not on site, but at the accountants. The DPS stated that he did not have access to the previous owner's invoices, despite taking over stock. This breaches the condition that invoices are to be retained for 24 months, and be made available within 24hrs.

DPS reported for unauthorised sale of alcohol, due to breaches in CCTV, training and invoices, which were also pointed out to DPS in August 2012

Application for Athelstan Road – DPS stated that he was looking to be DPS at both premises. DPS stated that he would split his time between both stores as he is now, with his wife being at Athelstan Road when he was not. (His wife being a personal licence holder). It was explained that this was not a suitable situation in this case. DPS was advised that there should be a separate DPS for each premises, who is in day to day control of that premises. Due to the strict conditions which the DPS was proposing, Athelstan Road will need a separate DPS. Due to the current breaches and recent test purchase failure at London Off-licence, it was felt that the licensing objectives would not be supported at this time.

WITNESS STATEMENT

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

URN <input type="text"/>	
Statement of: PC LOUISE CARTER	
Age if under 18: Over 18 (if over 18 insert 'over 18')	Occupation: Constable 20916
<p>This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.</p> <p>Signature:..... (witness) Date: 17/01/2013</p> <p>PC LOUISE CARTER</p>	

In addition to my previous statement I wish to clarify that Female test Purchaser 1 is sixteen (16) years of age and Female test purchaser 2 is seventeen (17) years of age.

Signed: _____

Signature witnessed by: _____

PC LOUISE CARTER

44120476312/2984

P47

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

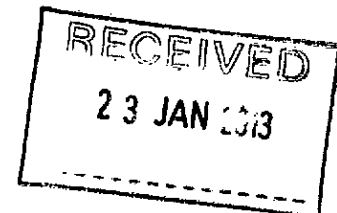


Direct dial:
Fax:
Email:

Please ask for: Lucas Marshall
Our ref:
Your ref:

23rd January 2013

Licensing
Southampton City Council
PO Box 1767
Southampton
SO18 9LA



Dear Sir/Madam

I write in support of Hampshire Constabulary's objection to Mr. Sithampananathar's application for a Premises Licence at 6 Athelstan Rd, Southampton, on the following grounds:

- The prevention of crime and disorder
- Protection of children from harm.

For information there is a history of failure to meet the Licensing Objectives at this premises, whilst under the control of previous Premises Licence Holders: in 2004 the former owners were prosecuted following repeat under age sales. In March 2012 the licence was revoked following under age sales and sale of illegal alcohol by the Premises Licence Holder, Ozgur Ekinci. Ozgur Ekinci's brother, Onder Ekinci, then made an application for a licence, which the Police and Trading Standards successfully objected to and at this time is subject to an ongoing appeal.

Mr Sithampananathar is a Premises Licence Holder at another Southampton Premises, namely London Off Licence, 27 St Catherines Rd. In July 2012 I conducted an inspection at this premises and found that Mr Sithampananathar was not complying with the majority of the conditions on the licence and I reported this matter to the police and the Council's Licensing Department. These conditions had been implemented to assist the Premises Licence Holder in meeting the licensing objectives. I understand that Mr Sithampananathar was subsequently visited by the police who gave him guidance on compliance with the conditions.

On 8th December 2012 the police conducted a test purchase at the premises and alcohol was sold to a 17 year old, a clear breach of the prevention of crime and disorder, and the protection of children from harm objectives. The police found that Mr Sithampananathar was still not complying with the conditions on his licence. Had he been doing so this sale would not have taken place.

Mr Sithampananathar had failed to heed Police advice, which had been given to him to assist in meeting the licensing objectives. It also concerns me greatly that he intends to take on the responsibilities of Designated Premises Supervisor at both London Off Licence and Premier, 6 Athelstan Rd: he has been unable to ensure that the former is managed in accordance with the conditions, and is unlikely to be able to exercise sufficient care and control over both premises. I strongly agree with the Police, that this is not a suitable arrangement and that in these circumstances neither store will be operating in support of the licensing objectives, to prevent crime and disorder and to protect children from harm.

Should Mr Sithampananathar be granted a licence I would ask that the conditions requested by the Police in their objection, which relate to CCTV, keeping of an incident and refusals record, operation of a challenge 25 policy, the training of staff, the storage of alcohol and tobacco, and the

sale of alcohol should be imposed on the licence. Additionally, given the history of the premises with regard to illegal alcohol sales, I would also ask that the following condition is imposed:

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

Yours sincerely

Lucas Marshall
Trading Standards Officer

Cc Southampton Licensing Unit, Hampshire Constabulary, Central Police Station, Southern Road,
Southampton SO15 1AN
Mr Sithamparanathar, 6 Athelstan Rd, Southampton.

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.

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