

# Licensing (Licensing and Gambling) Sub-Committee

Thursday, 12th February, 2015  
at 9.30 am

**PLEASE NOTE TIME OF MEETING**

Council Chamber - Civic Centre

This meeting is open to the public

**Members**

3 Members drawn from the Licensing Committee

**Contacts**

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## **PUBLIC INFORMATION**

The Members of the Licensing Committee are Councillors Galton, Lewzey, Lloyd, Painton, Parnell, Pope, Spicer, Tucker, Vassiliou and Whitbread.

### **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:-

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
  - Variation of designated premises supervisors
  - Transfer of premises licences
  - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

### **Relevant Representations**

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, can not be relied upon at the hearing.

**When dealing with Licensing Act matters the Sub-Committee must 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 must only take into account the statutory Licensing Objectives below:-**

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and

Protecting children and other vulnerable persons from being harmed or exploited by gambling

### **Southampton City Council's Priorities**

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

**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.

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

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting

### **Dates of Potential Meetings Municipal Year 2014/15**

2014	20 NOVEMBER
19 JUNE	4 DECEMBER
3 JULY	18 DECEMBER
17 JULY	2015
31 JULY	8 JANUARY
14 AUGUST	15 JANUARY
28 AUGUST	5 FEBRUARY
11 SEPTEMBER	19 FEBRUARY
25 SEPTEMBER	5 MARCH
9 OCTOBER	19 MARCH
23 OCTOBER	9 APRIL
6 NOVEMBER	23 APRIL

## CONDUCT OF MEETING

### **Terms of Reference**

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

### **Business to be discussed**

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

### **Rules of Procedure**

The meeting is governed by the Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

### **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 Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### **DISCLOSABLE PECUNIARY 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 of 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 an '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.

### **4 STATEMENT FROM THE CHAIR**

### **5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meeting held on 8 January 2015 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 parties to the hearing, 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 A PREMISES LICENCE - TWOJ SKLEP, REAR OF 349/353 SHIRLEY ROAD, SOUTHAMPTON SO15 3JD** (Pages 7 - 34)

Report of the Head of Legal and Democratic Services, detailing an application for a premises licence in respect of Twoj Sklep, Rear of 349/353 Shirley Road, Southampton SO15 3JD, attached.

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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 8 JANUARY 2015

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Present: Councillors Galton, Parnell and Tucker

35. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the minutes of the meeting held on 11 December 2014 be approved and signed as a correct record, subject to the following amendment to minute number 34: Application for variation of a premises licence – The Butchers Hook. Second paragraph to read “... Ms S Jancenoka ...”.

37. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decision.

38. **APPLICATION FOR VARIATION OF A PREMISES LICENCE - PIZZA CHICKEN KEBAB HOT 2 YOU, 1A BEDFORD PLACE, SOUTHAMPTON SO14 0JZ**

The Sub-Committee considered an application for a variation of a premises licence in respect of Pizza Chicken Kebab Hot 2 You, 1A Bedford Place, Southampton SO14 0JZ.

Mr F Mozooni (on behalf of the applicant), Mr A Ghezal, (Applicant), PC Boucouvalas and PC Cherry (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 (Hearings) Regulations 2005.

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

After private deliberation the Sub-Committee reconvened and the Chair read the following decision:-

All parties will receive formal written confirmation of the decision and reasons.

The Sub-Committee has considered very carefully the application for a variation of a premises licence at Pizza Chicken Hot 2 You, 1A Bedford Place. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights legislation was borne in mind whilst making the decision.

The Sub-Committee considered whether the application amounted to a substantial variation in accordance with the adopted statement of policy (CIP 2). It was decided

that the application did amount to a substantial variation despite a possible technical argument otherwise. This was due to the potential impact of the variation in practical terms, effectively amounting to an extension of the period during which licensable activities may take place and the effect this would have in the area. Accordingly, the Sub-Committee proceeded to apply the cumulative impact policy.

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

The Committee noted in particular that:-

- one effect of the CIP is that a *rebuttable presumption* applies to applications for premises licences.
- The *rebuttable presumption* is that such applications shall ordinarily be refused
- Licensing Policy CIP2 16.9 provides that the onus is upon applicants to demonstrate through their Operating Schedule and where appropriate supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced

The Sub-Committee was not satisfied, on the balance of probabilities, that the application would not lead to an increase in the issues of crime and disorder and associated nuisance, if granted.

As a result the application to vary the licence is refused.

### Reasons

The Sub-Committee noted carefully the points raised by the applicant, including, but not limited to,:

- that the premises does not serve alcohol;
- that safety measures will address the potential for crime and disorder (including security staff and CCTV);
- that issues with CCTV have now been resolved;
- that the issues with the premises were in the main historic and with previous owners;
- that other premises nearby currently have longer trading hours.

The Sub-Committee, despite careful consideration of the above, was not satisfied that the proposed application would not add to those issues already experienced. The Sub-Committee noted legal advice provided during the hearing that it should not ordinarily consider the quality of management, the character or experience of the applicant, issues with regards whether the application is substantial and that the applicant has a good understanding of how to reduce crime as exceptions to the stress area policies or warrant departure therefrom.



The Sub-Committee was not persuaded by the application, nor reassured by the applicant during the course of the hearing. It is accepted that many issues at the premises are historic and that the existing conditions were imposed following review whilst a different premises licence holder had control. However, police evidence clearly showed that issues of concern continue, particularly in regard to trading beyond hours and the operation of CCTV at the premises.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.

39. **APPLICATION FOR A PREMISES LICENCE - TESCO STORES LTD. TESCO EXPRESS, 278 BURGESS ROAD, SOUTHAMPTON SO16 3BE**

The Sub-Committee considered an application for a premises licence in respect of Tesco Stores Ltd. Tesco Express, 278 Burgess Road, Southampton SO16 3BE.

In accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 the Sub-Committee determined to proceed in the absence of the residential objector who had indicated that she was unable to attend the hearing.

Mr C Rees-Gay (Woods Whur on behalf of Tesco) and Mr C Diplock (DPS/Store Manager, Tesco) 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 (Hearings) Regulations 2005.

**RESOLVED** that the application for a premises licence be approved, and in accordance with conditions agreed with Hampshire Constabulary.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision:-

All parties will receive formal written confirmation of the decision and reasons.

The Sub-Committee has considered very carefully the application for a premises licence at Tesco Express, 278 Burgess Road. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy.

The Sub-Committee considered representations, both written and given orally today, by all parties. Human rights legislation has been borne in mind whilst making the decision.

The Sub-Committee noted that the one residential objector was not able to attend the hearing but determined that the hearing should continue in their absence. The written representation was carefully considered and taken into account and it was noted that this raised issues in relation to commercial need and young people congregating in the area.

The Sub-Committee has determined that the application should be approved, as applied for and in accordance with conditions agreed with Hampshire Constabulary.

## Reasons

The Sub-Committee noted that no other representation had been received including, in particular, from any of the responsible authorities. The police had agreed extensive conditions to be added to the operating schedule and in turn the premises licence, if granted. Those additional conditions relating to CCTV, incident log, Challenge 25 policy, identification, posters at the premises, training, training records, the sale of single cans and the sale of beers, ciders or lager above 5.5% ABV being prohibited.

The Sub-Committee also heard from the applicant that security staff would be on duty until closing at midnight, a minimum of three staff would be on duty, including a manager and that no evidence was presented of actual incidents of concern at the premises.

The Sub-Committee accepted legal advice that demand or commercial need are not factors that can be taken into consideration in accordance with the statutory guidance and policy.

Local residents can be reassured that in the event that the grant of the licence does in fact lead to issues of concern, relevant to the licensing objectives, a review may be initiated where evidence of the same can be considered and may result in appropriate steps being taken to address them.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.

### 40. **EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL REPORT**

**RESOLVED** that the press and public would not be excluded from the hearing after consideration of the public interest on the basis that the hearing could take place without the need to refer publicly, or otherwise disclose the confidential images contained within the report which identified individuals, other than to the parties.

### 41. **APPLICATION FOR REVIEW OF A PREMISES LICENCE - BEST ONE, 66-67 ST. MARY STREET, SOUTHAMPTON SO14 1NW**

The Sub-Committee considered an application for a review of a premises licence in respect of Best One, 66-67 St. Mary Street, Southampton SO14 1NW.

Mr J Wallsgrove (on behalf of the Premises Licensing Holder), Mr A Khusdil (PLH), Mr L Marshall (Trading Standards), PC Boucouvalas and PC Cherry (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 (Hearings) Regulations 2005.

**RESOLVED** that the premises licence be suspended for a period of six weeks.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision:-

All parties will receive formal written confirmation of the decision and reasons.

The Sub-Committee has considered very carefully the application for review of a premises licence at Best One, 66-67 St Mary Street. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights Legislation has been borne in mind whilst making this decision.

All the evidence presented both written and given orally today, has been carefully considered and taken into account. The Sub-Committee particularly addressed itself to the licensing objectives for the prevention of crime and disorder, the prevention of children from harm and the prevention of public nuisance.

In light of all of the above, the Sub-Committee has determined that the conditions outlined in the report and proposed by Trading Standards and Hampshire Constabulary, and agreed in the main by the Premises Licence holder during the course of the hearing be attached to the premises licence. In addition, the Sub-Committee has determined that the premises licence shall be suspended for a period of six weeks, commencing on the first Saturday following the expiration of the appeal period at 00.01 hours.

### Reasons

The Sub-Committee considered very carefully all the evidence and held very grave concerns in relation to the premises licence holder's ability to properly manage a premises of this type in this area. It was noted that the premises had previously been the subject of review proceedings and that warnings had been issued at that time. It was also noted that repeated visits, correspondence and warnings had been given by Trading Standards, Hampshire Constabulary and the Licensing Authority. The Sub-Committee accepted that the statutory guidance identifies criminal activity which should be taken particularly seriously, including the sale or storage of smuggled alcohol or tobacco and that revocation of the licence should be seriously considered – even in the first instance. In this case an extremely large amount of alcohol (some 121 litres of alcohol, 97.5 litres of wine and 450 grams of shisha tobacco) were seized due to not bearing duty stamps and being non duty paid.

In addition, the Sub-Committee heard evidence relating to an underage sale at the premises as well as Polish goods not being properly labelled for sale in the UK. In the circumstances the Sub-Committee determined that the premises licence should be suspended for a period of three months but reduced that period of time to six weeks on the basis of evidence it had heard in relation to the detrimental financial impact that suspension would bear upon the premises licence holder. However, it was also noted that the guidance states that where premises are found to be trading irresponsibly (and the Sub-Committee has no doubt that this is such a case) the Licensing Authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises. As a result a suspension of six weeks was felt to be an appropriate and proportionate response and deterrent to both the premises licence holder and other premises licence holders.

The Sub-Committee must reiterate how close it has come to revoking the premises licence on this occasion and must clearly stress that any further issues of concern will place the premises licence in extreme jeopardy in the event of further review.

The Sub-Committee has determined not to amend the suggested CCTV condition. It noted the representation of the premises licence holder with regard to temporary staff not being provided access to allow potential tampering of the system but such measures should not in the view of the Sub-Committee necessarily prevent the ability to perform a download from the system onto disc or other material, without amendment.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.

# Agenda Item 7

**DECISION-MAKER** Licensing (Licensing and Gambling) Sub-Committee

**SUBJECT** Hearing to Consider an application for Grant of a Premises Licence –  
Twoj Sklep Rear of 349-353 Shirley Road SO15 3JD

**DATE OF HEARING** Thursday 12 February 2015

**REPORT OF** Head of Legal and Democratic Services

**E-mail** [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Application Date : 16 December 2014                      Application Received                      16 December 2014

Application Valid : 16 December 2014                      Reference :                      2014/04285/01SPRN



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## ***Representations from Responsible Authorities***

<b>Responsible Authority</b>	<b>Satisfactory?</b>
Child Protection Services	No Response Received
Hampshire Fire and Rescue	Yes
Environmental Health	No Response Received
Planning	No Response Received

Primary Care Trust	No Response Received	
Hampshire Constabulary	Yes	
Trading Standards	Yes	
<b>Other Representations</b>		
<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
Mrs. V Aston	66 Howards Grove Southampton SO15 5PU	Resident

## Legal Implications

1. The legislation specifically restricts the grounds on which the sub-committee may refuse an application for a premises licence, or impose conditions. The legislation provides for a presumption of grant of a premises licence, subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community. In doing so the sub-committee must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives;
  - the representations (including supporting information) presented by all the parties;
  - its own statement of licensing policy
  - the Statutory Guidance
2. An application may be refused in part and thereby only permit some of the licensable activities sought.
3. An applicant for the grant of a premises licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court. Any other person, who made a valid representation, may appeal to the magistrates' Court against the decision to grant of the application or against any conditions imposed.
4. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider the application in accordance, in particular, with both the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
5. The sub-committee must also have regard to:
  - *The Crime and Disorder Act 1998*  
Section 17 of the Crime and Disorder Act 1998 places the sub-committee 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.
  - *The 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 sub-committee 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 sub-committee 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 sub-committee which affect another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

6. Copies of the application for a premises licence and the representations to it are annexed to this report.

### **Summary of application**

<b>Premises:</b>	Twoj Sklep
<b>Licence Holder:</b>	Mr. Abdul Aziz Mahmud
<b>Agent for licence Holder:</b>	N/A
<b>DPS:</b>	Mr. Abdul Aziz Mahmud

### **Proposed Application**

<b><u>Supply by retail of alcohol</u></b>	<b>From</b>	<b>Until</b>
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	08:00	23:00

Premises is a retail shop selling foods and alcohol.

### **Conditions agreed with Hampshire Constabulary**

#### **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, Trading Standards or Local Authority Officers on request or within 24 hours of such request when investigating allegations of offences or criminal activity. Any images recovered must

be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback. 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.

### **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 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.

### **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. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's 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

### **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. Given the location of the premises, I would also suggest that an incident book is used in order to record incidents of crime and disorder at the premises or in the vicinity of the premises. I would suggest the following working:

### **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 staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

I would also like to propose the following conditions. As already stated, this area of Southampton suffers from alcohol related anti-social behaviour. The following conditions would prevent your store adding to that problem, thus promoting the licensing objectives and will show the local community that you are listening to their concerns and doing all you reasonably can to prevent such issues.

**Single cans of alcohol**

Sales of single cans of alcohol are prohibited.

**High strength alcohol products**

No beers, ciders or lager of 6.5%ABV or over shall be sold by retail, excluding premium products as agreed in writing, in advance with the police licensing team.

**Southampton City Council**

**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 ABDUL AZIZ MAHMUD  
(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			
A1 Retail unit. Rear of 349-353 Shirley Road			
Post town	Southampton	Post code	SO15 3JD

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 44750 (c)

315-00

**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  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 <b>MAHMUD</b>			First names <b>ABDUL AZIZ</b>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		<b>35 Heysham Road</b>			
Post Town	<b>Southampton</b>		Postcode	<b>SO15 3JL</b>	
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	

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

**(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.

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

**Part 3 Operating Schedule**

When do you want the premises licence to start?

<b>Day Month Year</b>		

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

<b>Day Month Year</b>		

Please give a general description of the premises (please read guidance note1)

SHOP . Food Store .

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**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri					
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**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><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></b> (please read guidance note 5)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Wed					
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Tue					
			<b><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></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

H

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

I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>		
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors
			Outdoors		<input type="checkbox"/>
			Both		<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><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></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<b><u>Please give a description of the facilities for dancing you will be providing</u></b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)		
Thur					
Fri			<b><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></b> (please read guidance note 5)		
Sat					
Sun					

K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri					
Sat			<b><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></b> (please read guidance note 5)		
Sun					



L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><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></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (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	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	8:00	23:00			
Tue	8:00	23:00			
Wed	8:00	23:00			
Thur	8:00	23:00			
Fri	8:00	23:00			
Sat	8:00	23:00			
Sun	8:00	23:00			
			<b>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</b> (please read guidance note 5)		

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

Name	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal Licence number (if known)	[REDACTED]
Issuing licensing authority (if known)	[REDACTED]

**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)

NONE.

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	8:00	23:00	
Tue	8:00	23:00	
Wed	8:00	23:00	
Thur	8:00	23:00	
Fri	8:00	23:00	
Sat	8:00	23:00	
Sun	8:00	23:00	
<b>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</b> (please read guidance note 5)			

**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)**

we are aware that we have sufficient cameras located within the premises to cover all public area including outside of the premises covering the entrance and exit. the system will be able to cope with Strobe Lighting and All Levels of illumination throughout the premises T.O.P.

**b) The prevention of crime and disorder**

We always encourage good behaviour and actively discourage disorderly conduct. We are constantly alert with regard to any criminal activity.  
No bottles or glasses shall be taken off the premise.

**c) Public safety**

we are aware of fire + health and safety regulation and adhere to the same.  
fire and first equipment is at hand.  
staff will be fully aware of Licensing Laws.

**d) The prevention of public nuisance**

we discourage people from congregating in groups outside the premises and request that noise is kept to a minimum.  
we further encourage people to disposing of any litter ie wrapping in appropriate manner.

**e) The protection of children from harm**

Training of staff to ensure compliance with the Law in relation to consumption of alcohol by persons under 18 years of age, including prevention of adults buying alcohol for children under 18's with responsible adult.  
Proof of age + Refusal book and staff training tick List taking place.

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	[REDACTED]
Date	16-12-2014
Capacity	Supervisor.

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)

35 Heysham Road

Post town	Southampton	Post code	SO15 3JL
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
[REDACTED]			

BREAD Shelf

Bread Shelf

PATISERIA  
2500X1150MM

DOLPHINE  
3750X1150MM

DOLPHINE  
3750X1150MM

DOLPHINE  
3750X1150MM

FRUIT & VEG  
ASSSOS 1800x900

Dairy Cabinet  
ASSSOS 1800x900

Dairy Cabinet  
Beer fridge  
ASSSOS 3750x900

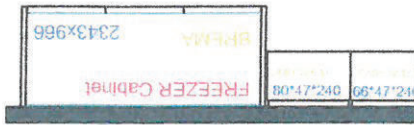
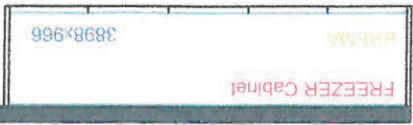
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125*57*160	125*57*160	125*57*160	125*57*160	125*57*160	125*57*160

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EASY SHELF	EASY SHELF	EASY SHELF	EASY SHELF	EASY SHELF	EASY SHELF
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EASY SHELF	EASY SHELF	EASY SHELF	EASY SHELF	EASY SHELF	EASY SHELF
125*57*160	125*57*160	125*57*160	125*57*160	125*57*160	125*57*160



Dairy Cabinet  
soft Drink  
ASSSOS 006x05x3

Public Entrance

fire extinguisher

First AID

Counter

fire extinguisher

RECEIVED  
16 DEC 2014

fire extinguisher

exit

Storage

storage

fire extinguisher

First AID

fire exit

SHutter

✓ 66 Howards Grove,  
Shirley,  
Southampton  
SO15 5PU  
12.1.15.



Dear Licensing Team,

I've just seen the notice on the retail unit at the back of Tesco's & opposite Lidl's car park off Shirley Road. Mr Abdul Aziz Mahmud is applying for a licence to sell alcohol there, at 349-353 Shirley Rd, Soton SO15 3JD.

May I say that Shirley seems to already have plenty of alcohol outlets & wonder if it's wise to have yet another one? It's already sold in Tesco & possibly Lidl, so surely that's enough for that area? If it were to sell food as well, it could take a lot of custom from these two supermarkets which isn't fair to them.

It seems a strange place to sell anything as only shoppers who drive to Lidl are likely to see it. Having said that, I can't think of a useful purpose for that building except perhaps

as a warehouse.

I write, because where I live, the Howards Grove/Vaudrey Close/Shirley Towers estate already suffers the consequences of men drinking in the day & evening & throwing their bottles & cans everywhere & urinating in the bushes. Even if the P.C.S.O's see them & move them on, they just move into another part of Shirley. It seems to be a problem without an official answer. We would like to have 'no drinking' posters put up, but Alan Whitehead, M.P. told one of our neighbours that the only place where public drinking was not permitted was in the city centre. Anyway, we feel there's already too much alcohol for sale & wouldn't want to see anymore.

Yours sincerely,



(Mrs V. Aston)