

Licensing (Licensing and Gambling) Sub-Committee

Thursday, 26th January, 2017
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic
Centre

This meeting is open to the public

Members

Three Members drawn from the Licensing
Committee

Contacts

Democratic Support Officer
Pat Wood

Tel: 023 8083 2302

Email: pat.wood@southampton.gov.uk

Service Director - Transactions & Universal
Services

Mitch Sanders

Tel: 023 8083 3613

Email: mitch.sanders@southampton.gov.uk

PUBLIC INFORMATION

The Members of the Licensing Committee are Councillors J Baillie, Blatchford, Bogle, B Harris, Furnell, Jordan, Lewzey, Painton, Parnell and D Thomas.

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.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Dates of Potential Meetings Municipal Year 2016/17

Meetings are scheduled on a weekly basis usually at 6pm on a Wednesday evening.

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

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 - 2)

To approve and sign as a correct record the Minutes of the meeting held on 4 January 2017 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 REVIEW OF PREMISES LICENCE - HOPS & GRAPES, 200 SHIRLEY ROAD, SOUTHAMPTON SO15 3FL** (Pages 3 - 36)

Application for a review of the premises licence in respect of Hops & Grapes, 200 Shirley Road, Southampton SO15 3FL, attached.

Wednesday, 18 January 2017

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 4 JANUARY 2017

Present: Councillors J Baillie, Bogle and Parnell

28. **ELECTION OF CHAIR**

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

29. **MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meetings held on 26 October and 3 November 2016 be approved and signed as a correct record.

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

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.

31. **APPLICATION FOR GRANT OF PREMISES LICENCE - ROCKET RONNIES POOL HALL, 55-59 CASTLE WAY, SOUTHAMPTON SO14 2AU**

The Sub-Committee considered the application for grant of a premises licence in respect of Rocket Ronnies Pool Hall, 55-59 Castle Way, Southampton SO14 2AU.

Mr Keates (Applicant) and Ms Jeffery (Environmental Health Officer) 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 granted.

After private deliberation the Sub-Committee reconvened and the Chair read out 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 Rocket Ronnies Pool Hall, 55-59 Castle Way, Southampton SO14 2AU. 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 the representations, both written and given orally today, by all parties. Human rights legislation has been borne in mind whilst making the decision.

Having considered all the above evidence and after having heard from the parties, the Sub-Committee has determined to grant the Premises Licence as applied for and subject to:

- the amendment of the application made by the Applicant during the course of the Hearing,
- the Conditions/Amendment agreed with Hampshire Constabulary, and
- an additional Condition imposed as a result of the Environmental Health objection.

The additional condition to be imposed shall be as follows: “The Premises Licence Holder shall ensure that regular checks around the perimeter of the premises shall take place during events and busy periods to ensure that the level of any noise breakout is minimal and not likely to cause a nuisance to neighbours.”

Reasons

The Sub-Committee noted that the residential objections related to noise nuisance and disorder emanating from the premises particularly on dispersal and whilst customers are outside smoking. Much of the evidence related to historic issues at the premises when it was under different management, at that time the premises had a 24 hour licence. The Sub-Committee is reassured by the current applicant’s engagement with the Police and Environmental Health and in particular the acceptance of extensive conditions proposed by the Police (including a significant reduction in opening hours and licensable activities as well as conditions relating to CCTV, Incident Book, Refusals Logs, Challenge 25, Training, Door Supervisors, Dispersal, Drinking on the Highway, Signage, Last Entry and Children). The effect of these conditions is that the premises will close at 23.00 hours Monday to Thursday, 23.30 hours Friday to Saturday and 22.00 hours on Sunday. In addition the premises shall restrict the number of smokers outside the building after 22.00 hours on any day.

The applicant amended the application during the course of the hearing to remove live entertainment from the scope of the licence.

The applicant confirmed that the Smoking Area has been moved to the left side of the building (between George’s Restaurant) and that signage has been placed prohibiting smoking to the front of the building.

The applicant confirmed that he took over the building on 20 October 2016 and accordingly the Sub-Committee was bound to attach due weight to representations containing evidence pre-dating this. The Sub-Committee was reassured that outside areas are to be covered by CCTV.

Local residents can also 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.

Agenda Item 7

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

HEARING TO CONSIDER AN APPLICATION FOR REVIEW OF A
PREMISES LICENCE –

SUBJECT

HOPS & GRAPES, 200 SHIRLEY ROAD, SOUTHAMPTON SO15
3FL

DATE OF HEARING THURSDAY 26 JANUARY 2017 – 18:00 hrs.

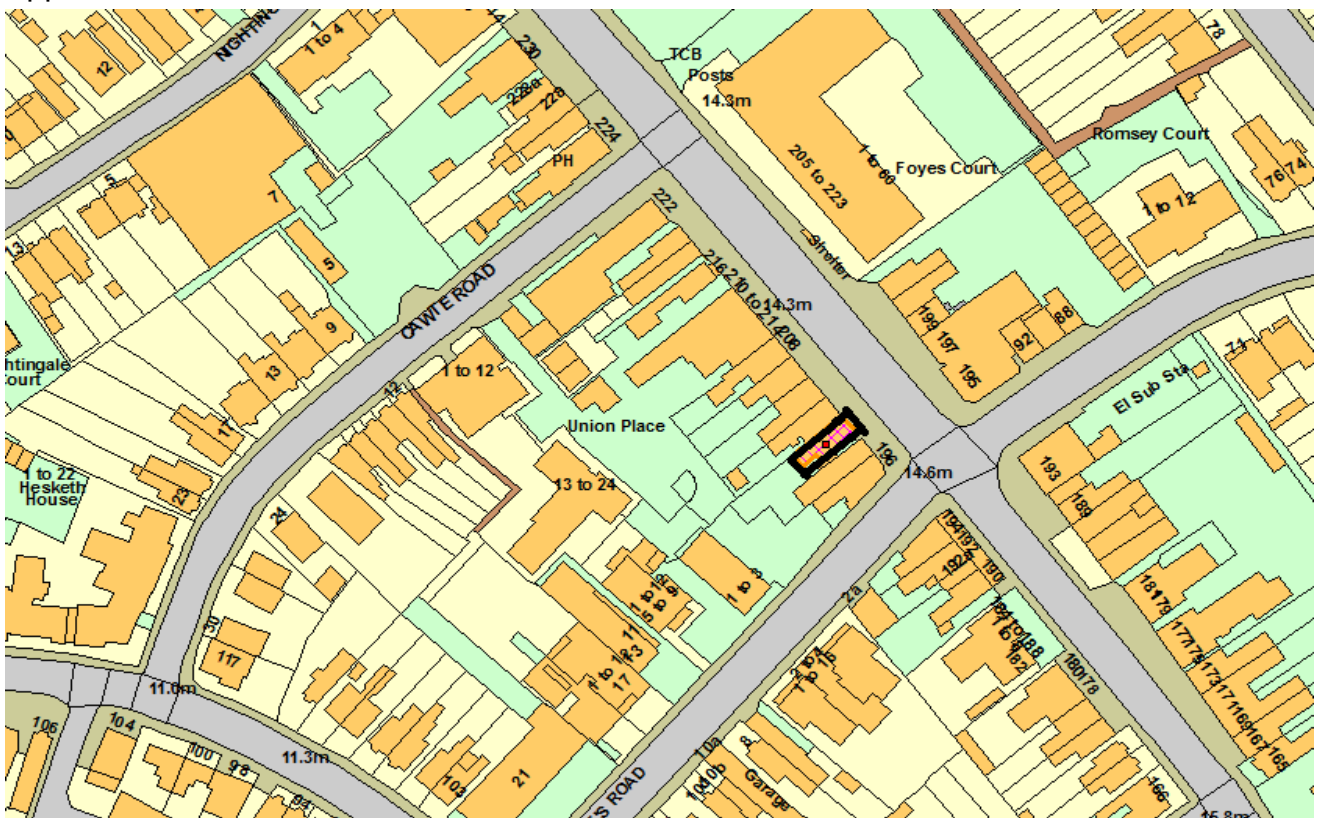
REPORT OF SERVICE DIRECTOR – TRANSACTIONS & UNIVERSAL SERVICES

E-mail licensing@southampton.gov.uk

Review application (Licensing Act 2003, section 51)

Application date: 30 NOVEMBER 2016 Received: 30 NOVEMBER 2016

Application valid : 30 NOVEMBER 2016 Reference : **2016/03608/01SRAP**



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Representations from Responsible Authorities

Responsible Authority	Satisfactory?
Children's Services	No Response Received
Hampshire Fire And Rescue	No Response Received
Environmental Health	No Response Received
Planning & Sustainability	No Response Received
Public Health	NO
Hampshire Constabulary	NO
Trading Standards	Applicant for Review

Other Representations

Name	Address	Contributor Type
Blake Morgan LLP	on behalf of the premises licence holder	Licence Holder

Legal Implications

1. Part 3 of the Licensing Act 2003 provides that a responsible authority or any other person may apply for review of a premises licence.
2. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the licensing authority and each of the responsible authorities.
3. On receipt of an application for review, officers will consider its validity under delegated powers. Reasons for rejection, in whole or in part, include:
 - that the grounds for review are not relevant to one of more of the licensing objectives and;
 - that the application is frivolous, vexatious or repetitious, unless it is made by a responsible authority.
4. The licensing authority must display a prescribed notice of the review application on the outside or adjacent the premises, on the authority's website and at the Civic Centre; the notice must remain on display for 28 days and any interested party or the responsible authorities may make representations in that period.
5. The licensing authority is then required to hold a hearing to consider the review.
6. 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
7. In determining an application for review, the legislation provides that the sub-committee may take any (or none) of the following steps, as it considers necessary:
 - modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding three months
 - revoke the licence.
8. The Licensing Act 2003 provides for appeal to the Magistrates' Court against the sub-committee's decision in relation to an application for review by the premises licence holder and any other party who made a representation to the application.
9. 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.

10. 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.

11. Copies of the application for review and the representations to it are annexed to this report.

SUMMARY

Application form (Trading Standards) – Pages 5-22

Public Health Representation - Pages 23-24

Hampshire Constabulary Representation - Pages 25-32

Communication from Licence Holders Agent - Pages 33-34

Premises Licence Holder	Mr. Vadivelu Nadanasabesan - from 05/09/2005
Designated premises Supervisor	Mr. Vadivelu Nadanasabesan – from 05/09/2005
Agent	Blake Morgan LLP Solicitors

Licensable Activities.

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

Conditions attached to current licence – excluding mandatory conditions.

Annex 2 – Conditions consistent with the operating Schedule

1 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;

2 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.

Note.

The above conditions were transferred at conversion to the Licensing Act 2003 and a variation was not applied for to remove them. These redundant conditions could now be removed.

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

Direct dial: [REDACTED]
[REDACTED]
Email: [REDACTED]@southampton.gov.uk

Please ask for: Lucas Marshall
Our ref: 16/00845/UAS
Your ref:

30th November 2016

Licensing Department
Civic Centre
Southampton
SO14 7LS

Dear Sir/Madam

Licensing Act 2003

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

Vadivelu Nandanasabesan
Hops & Grapes
200 Shirley Road
Southampton
SO15 3FL

Premises Licence Number: **2005/00176/01SPRC**

Yours faithfully

[REDACTED]

Lucas Marshall
Trading Standards Officer
cc.

Vadivelu Nandanasabesan, Hops & Grapes, 200 Shirley Road, Southampton, SO15 3FL
Vadivelu Nandanasabesan, 18 Verwood Road, Harrow, Middlesex, HA2 6LD
Force Licensing Team, Hampshire Constabulary, Southampton Police Office, Civic Centre,
Southampton SO14 7LY

Environmental Health Services, Southampton City Council, Civic Centre Southampton SO14 7LY
Hampshire Fire and Rescue Service HQ, Business Fire Safety Leigh Road, Eastleigh Hampshire
SO50 9SJ

Planning and Sustainability Southampton City Council Civic Centre Southampton SO14 7LS

Children's Services Southampton City Council Civic Centre Southampton SO14 7LY
Public Health Southampton City Council, Civic Centre, Southampton SO14 7LS

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

Southampton City Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Southampton City Council Trading Standards Service

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Hops & Grapes, 200 Shirley Road, Freemantle, Shirley, Southampton

Post town Southampton

Post code (if known) SO15 3FL

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

Vadivelu Nadanasabesan

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

2005/00176/01SPRC

Part 2 - Applicant details

I am

Please tick yes

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

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

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

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes
☐

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Lucas Marshall (Trading Standards Officer) Trading Standards Service Southampton City Council Civic Centre Southampton SO14 7LY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]@southampton.gov.uk

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

Please tick one or more boxes

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

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

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

That the Premises Licence Holder, Mr Vadivelu Nadanasabesan, failed to meet the Licensing Objectives to Prevent Crime & Disorder and to Protect Children from Harm in that on 6th October 2016 at Hops & Grapes, 200 Shirley Road, Southampton alcohol was sold to a 15 year old person, an offence under Section 147(1) of the Licensing Act 2003 in that a member of staff knowingly allowed the sale of alcohol to an individual aged under 18.

That the Premises Licence Holder failed to meet the Licensing Objective, to Prevent Crime and Disorder in that he had failed to comply with the mandatory condition on the premises licence which bans the sale of alcohol below the cost of duty and vat, an offence under Section 136 of the Licensing Act 2003.

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

In September 2016 I received a complaint from a business in Shirley alleging that alcohol was being sold at Hops & Grapes, 200 Shirley Road, Shirley, Southampton for less than duty + vat, in breach of the mandatory condition on their premises licence.

On 6th September I visited Hops & Grapes. Alcohol, namely Karpackie beer, was found displayed for sale at less than duty + vat. Karpackie is a strong beer with an ABV of 9% which attracts duty + vat of £1.28 for each 500ml can. The beer was being sold for only £1.20 per can. Sale of alcohol below duty + vat constitutes an offence under Section 136 of the Licensing Act 2003 for an unauthorised sale of alcohol.

The low price is also indicative that the alcohol may be illegal: if it can be sold for less than duty + vat it is likely that duty has been evaded. It is an offence under Section 144 of the Licensing Act 2003 to keep smuggled goods on a licensed premises, and Paragraph 11.27 of the Home Office Guidance issued under Section 182 of the Licensing Act states that revocation of a premises licence should be considered in the first instance where smuggled alcohol is stored on a premises. HMRC Officer David Fryer has provided a statement relating to the legality of the beer, a copy of which is attached, in which he states that it is not financially viable to sell the Karpackie beer for less than £1.28 and that it may have come from an illicit supply source.

A food inspection was conducted at the premises and Polish beers, namely Zubr, Debowe, Perla and Kasztelan brands, were found not to comply with the Food Information Regulations 2014, in that they were not labelled in English.

I left a notice at the premises and subsequently posted a letter, a copy of which is attached, to Mr Nandanasabesan outlining the non-compliances found and requesting documentation relating to traceability (ie invoices) for the Polish beers. The Food Safety & Hygiene Regulations 2013 require that these must be provided to an authorised Officer on demand. I gave Mr Nandanasabesan 7 days to provide the invoices. The letter also instructed Mr Nandanasabesan to remove beers which are not labelled in English from sale. A letter had previously been sent to Mr Nandanasabesan in 2014 regarding the labelling requirements, a copy of which is also attached.

On 23rd September I visited Hops & Grapes and met Mr Nandanasabesan. He provided invoices which he said related to his purchase of Karpackie, however they did not itemise the Karpackie: Mr Nandanasabesan said that there was a beer itemised on the invoice as Debowe brand beer, but Karpackie had actually been supplied. Food and drink must be adequately identified to facilitate its traceability through relevant documentation (Article 18(4) Regulation (EU) 178/2002).

On 6th October 2016 a test purchase exercise was conducted in Southampton. This was organised by Hampshire Constabulary and supported by Trading Standards. Alcohol was supplied to a 15 year old at the premises. The circumstances were unusual and are detailed in Police Staff 15527 Barrett's statement attached. To summarise the 15 year old and Ms Barrett entered the premises separately. The person behind the counter, Mrs Sivananthan, asked the child for identification, which he could not provide; she then asked him his age and he replied that he was 18; she then told him to give his money to Ms Barrett who was in the shop acting as a customer; Mrs Sivananthan then took the money from Ms Barrett and gave her the change and the child collected the alcohol from the counter.

This sale is particularly concerning: Mrs Sivananthan clearly did not believe that the child was old enough to buy the alcohol, however she connived to supply it via a person she believed to be a customer. The sixty pence profit that would have been

made from that sale appears to be of greater importance than the harm that could be caused to a 15 year old by drinking four bottles of Smirnoff Ice.

Following the sale the refusals record was checked and only 8 entries had been recorded since 29th April 2016. Zubr beer was displayed for sale which was still not labelled in English: this is clearly legislation that Mr Nandanasabesan has little interest in complying with.

On 24th October 2016 PC Boucouvalas and I met with Mr Nandanasabesan. He confirmed that Eugene Sivananthan was no longer working at Hops & Grapes. He could not evidence that any training regarding prevention of under age sales had been given to Mrs Sivanathan regarding prevention of under age sales, however she had previously worked at another licensed premises, Northam Service Station.

I would ask that the conditions in the annex to this application are imposed on the premises licence, so as to assist Mr Nandanasabesan in meeting the Licensing Objectives in future. I would also ask that a period of suspension is considered, as a deterrent to Hops & Grapes, and other premises, breaching the licensing condition relating to pricing and failing to meet the Licensing Objectives in future.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

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

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

[Redacted Signature]

Date 30th November 2016

Capacity Trading Standards Officer

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

Trading Standards Service
Civic Centre
Southampton City Council

Post town
Southampton

Post Code
SO14 7LY

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [Redacted]@southampton.gov.uk

Notes for Guidance

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

ANNEX

Conditions

Traceability

The Premises Licence Holder must keep, for a period of 24 months from purchase, complete records, such as invoices, receipts and delivery notes, relating to purchase of alcohol which is present at the premises. Records must include the name, address and telephone number of the supplier, the date of supply, the products supplied, and their prices. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol and tobacco products present at his premises.

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 or criminal activity. Any images recovered must be in a viewable format on a disc. 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 Police Licensing Unit within 24 hours.

Refusals book

A written log shall be kept of all refusals including refusals to sell age restricted goods. 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 and other age restricted goods 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 persons date of birth.

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

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

Training

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol and other age restricted goods 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 and other age restricted goods. 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 age restricted goods, 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.

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.

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

Statement of: **Police Staff 15527 BARRETT** URN
 Age if under 18: **018** (If over 18 insert 'over 18') Occupation: **Licensing Assistant**

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

Signature: _____ (witness) Date: **07/10/2016**

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

I am Police Staff 15527 of Hampshire Constabulary currently stationed at Southampton Neighbourhood Police Office.

I am a Licensing Assistant and have a responsibility within my policing area to ensure that the Licensed Premises are promoting and upholding the four licensing objectives.

These are as follows:

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

A method used to ensure that the four licensing objectives are being met is to conduct Test Purchase Operations.

Section 149 and 152 of the Licensing Act 2003 allows for the purchase or attempted purchase of alcohol in licensed premises by young persons under the age of 18 years at the request of a Police Officer acting in the course of their duty. It further allows a Police Officer in the course of their duty to send a young person under the age of 18 years to obtain alcohol into licensed premises to purchase or attempt to purchase alcohol without an offence being committed.

It an offence contrary to section 146(1) and (7) of The Licensing Act 2003 to sell alcohol to a person under the age of 18 years old.

On Thursday 06th October from 1625 to 2130 I participated in a test purchase operation with one test purchaser. The test purchaser was a male aged 15 years old.

Signature: _____ Signature witnessed by:

I was in plain clothes together with PC 25323 BOUCOUVALAS, PC 2903 SWALLOW and Lucas MARSHALL (Trading Standards). Our role in the operation was to monitor the test purchasers at all times, ensure their safety and give evidence in relation to any offences committed.

At approximately 1635 I attended Hops and Grapes, 200 Shirley Road, Southampton SO15 3FL. The test purchaser entered the store first and I followed shortly after. Both the test purchaser and I went to alcohol aisle. The alcohol aisle was situated in front of the till, there was only the test purchase and I in the store at the time. The test purchaser selected 4 bottles of 'Smirnoff Ice Vodka' and went to the till. At the time I was still looking for alcohol to purchase.

There was an Asian female behind the counter. I saw the test purchaser put the alcohol onto the counter. I then continued to browse for alcohol whilst listening to the conversation. I could clearly hear the conversation between the test purchaser and the female member of staff.

The female asked the test purchaser "DO YOU HAVE ANY ID?" To which the test purchaser replied "NO". The female then asked the test purchaser "HOW OLD ARE YOU?" to which the test purchaser replied "18". I was still looking at the alcohol when the female asked "DOES SHE HAVE ANY ID?" to which the test purchaser replied "I DON'T KNOW, WE ARE NOT TOGETHER". At this point I turned to face the female and asked "DO YOU MEAN ME?" to which the female nodded. I again replied "YES I HAVE ID HOWEVER WE ARE NOT TOGETHER". I then walked over to the till area and the female advised I could purchase the alcohol. I showed the female my ID. During this time the female advised that the test purchaser would need to hand me the money. I also selected a packet of chewing gum as well. The test purchaser handed me the £10 note. The female advised the price was £4 and I handed the female the £10 note. The female handed me the change and I gave this to the test purchaser. I then picked up the chewing gum and the test purchaser picked up the alcohol. The test purchaser then thanked me for buying the alcohol and we both walked out the store.

The test purchaser and I met PC 2903 SWALLOW and I explained what happened in the premises. PC SWALLOW then took the alcohol and went into the premises whilst the test purchaser and I went back to the car.

The test purchaser's alcohol that was purchased was returned for a refund at the premises.

Signature 

Signature witnessed by:

2010/11

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: **David [REDACTED] Fryer**

URN:

Age if under 18: Over 18 (If over 18 Insert 'over 18') Occupation: **Officer of HM Revenue and Customs**

This statement (consisting of two pages 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: ¹ [REDACTED]

Date: **25/11/2016**

Indicate if witness evidence is visually recorded² Y/N (If YES, see guidance)

³

I am employed by HM Revenue and Customs (HMRC) as a Criminal Investigator.

I lead on Investigating Criminal Excise duty evasion in Central Southern England for HMRC.

Excise duty is a tax on tobacco, alcohol and certain hydrocarbon oils.

I have been asked by Lucas Marshall of Southampton Trading Standards to provide an Excise duty calculation with regards to a 500 millilitre can of "Karpackie" Polish lager.

To find the excise duty on one can of 500ml beer you first have to convert the calculation to Hectolitres.

$(1 \times 0.5)/100 \times 1 = 0.005 \text{ hl}$

The bulk Hectolitre figure is multiplied by the alcohol content (ABV) amount, in this case 9%.

$0.005 \times 9 = 0.045 \text{ hl\%ABV}$

The current duty rate is obtained from Part 12, Volume 1 of the Tariff.

Multiply the hl%ABV amount by the current Beer duty rate. The duty rate in 2016 is £23.85

The duty rate on one 500ml can is therefore $£23.85 \times 0.045 = £1.07$

The Excise duty is then subject to Value added tax of 20%.

$£1.07 \times 20\% = 21.4\text{p}$ $£1.07 + 21\text{p} = £1.28$

Therefore the minimum Excise duty on a 500ml can at 9% ABV is **£1.28**.

This calculation does not include any VAT charged on the actual purchase price of the product, nor production or transport costs.

Date: Select Date

Signature: Enter Name
(Signature of witness)

Signature: Enter Name
(Signature witnessed by)

ENGLAND AND WALES ONLY

Statement of: David [REDACTED] Fryer

URN:

It is therefore not financially viable to sell this product for less the £1.28 and would indicate that these goods may have come from an illicit supply source.

Date: Select Date

Signature: Enter Name
(Signature of witness)Signature: Enter Name
(Signature witnessed by)**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY****Page 2 of 2**

Page 21

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

Direct dial: 023 8083 4930

Please ask for: Lucas Marshall

Fax: 023 8083 2656

Email: [@southampton.gov.uk](mailto:ll@southampton.gov.uk)

Our Ref.

12th September 2016

Mr Nadanasabesan
Hops & Grapes
200 Shirley Road
Freemantle
Southampton
SO15 3FL

Dear Mr Nadanabesan

Licensing Act 2003
Food Safety Act 1990
Food Information Regulations 2014
Food Safety & Hygiene (England) Regulations 2013

In September 2016 I received a complaint regarding the pricing of your beer: there is a mandatory condition on your licence that alcohol will not be sold below the cost of duty + vat on each alcoholic drink, and it is an offence under the Licensing Act 2003 if you sell below that price.

On 6th September 2016 I visited Hops & Grapes, 200 Shirley Road. Karpackie beer was being sold for only £1.20 – the duty + vat for this product is £1.28, so it is therefore alleged that you were committing offences under Section 136 of the Licensing Act 2003.

I am also concerned regarding the legality of the Karpackie – if you are able to sell below duty + vat it is likely that these costs will not have been levied on the product which you purchased. It is an offence under Section 144 of the Licensing Act 2003 to have in possession for sale alcohol on which duty has not been paid, and should your licence be subject to review Home Office Guidance states that revocation should be considered in the first instance.

During my visit I left a notice requiring provision of invoices relating to your purchase of the Karpackie within 7 days. It is an offence under Food Safety & Hygiene (England) Regulations 2013 to fail to provide these. I have not yet received the invoices and would strongly advise that you e-mail them to me, ll@southampton.gov.uk, asap.

Whilst at the premises I also found the following beers which were not labelled in English as required under the Food Information Regulations 2014: Zubr, Debowe, Perla, Kasztelan. I have previously sent you a warning letter regarding this matter and would ask why you have decided to ignore this legal requirement?

I will revisit your premises in the near future. I would instruct you to: remove alcohol which is not labelled in English from sale; obtain alcohol from a reputable wholesaler; increase

your alcohol prices to above the levels of duty + vat liable on each product (I can e-mail a duty + vat calculator to you if you require it); provide the requested invoices. If you are unable to take these actions let me know that this is the case, and fully explain why.

Yours sincerely



Lucas Marshall
Trading Standards Officer

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

Direct dial: [REDACTED]

Email: [REDACTED]@southampton.gov.uk

Please ask for: Lucas Marshall

Our ref:

Your ref:

8th September 2014

Dear Sir/Madam

Food Safety Act 1990
Food Labelling Regulations 1996

On 28th September 2014 your premises was visited as part of a joint Police, Licensing and Trading Standards exercise, aimed at reducing street drinking in the Shirley area.

During the visit I noticed that you had Polish lagers/beers in possession for sale which did not comply with Regulation 44 of the Food Labelling Regulations 1996, in that they were not labelled in English, as required. I issued a notice to you, giving a week to either re label the products appropriately or to remove from sale.

On 4th September I revisited your premises and found that alcohol which was not labelled in English continued to be displayed for sale. I would repeat that it is an offence to **sell any food and drink** which is not labelled in English and that as a Licensed Premises you have a duty to meet the Licensing Objective, to prevent crime. I will revisit your premises and if you continue to sell food and drink which does not comply with the above Regulations then further legal action will be taken. If you require any further advice then please contact me on 02380 834930.

Yours faithfully

[REDACTED]

Lucas Marshall
Trading Standards Officer

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



Direct dial: [REDACTED]
Email [REDACTED]@southampton.gov.uk
Please ask for: Sally Denley

Fax:
Minicom:
Our ref:

Date: 22 December 2016

Licensing Department
Civic Centre
Southampton
SO14 7LS

Dear Sirs,

Re: Hops and Grapes License Review

Public Health, Southampton City council are writing in support of Trading Standards Service, Southampton City Council application to review the above premises license on two grounds:

1. The prevention of crime and disorder
2. The protection of children from harm

The Prevention of Crime and Disorder

The premises have been selling cans of Karpackie 9% 500 ml beer at £1.20, which is below the price of duty + VAT, which is £1.28 on this product. There is a mandatory condition on all alcohol licenses stating that alcohol cannot be sold below duty + VAT.

It is known that these high strength Polish lagers are often favoured by those most vulnerable and in particular street drinkers.

The following information comes from an Insight report undertaken in 2015 by Health Promotion Service with Street drinkers in Southampton.

“All the participants were regular drinkers. Cider and high strength lagers (especially the Polish) brands were by far the most popular choice of drink. Many of the participants said they drank between 6 – 10 cans of high strength lager per day. “This equates to 31-52 units per day. This is significantly higher than the Public Health recommended guidelines of 14 units per week.

Due to the high alcohol content and amounts consumed most of those interviewed had regular attendances at the Emergency Department of Southampton General Hospital, putting strain on an already overburdened service.

The protection of children from harm

We are particularly concerned about the test purchase exercise conducted on 6th October by Trading Standards, where alcohol was supplied to a 15 year old at the premises. Although initially refusing the sale due to concerns about the customers' age, the staff member then asked the customer to pass the money to an adult on the premises who then gave the money to the staff member who in turn placed the alcohol on the counter for collection by the child.

Southampton is an outlier in terms of underage alcohol related hospital admissions. In England in 2012 the most common location for consuming alcohol for children is in their own or someone else's home (78%). (Institute of Alcohol Studies).

Regular heavy alcohol consumption and binge drinking in young people is associated with physical health problems, anti-social behaviour, violence injuries and road traffic accidents. Alcohol consumption can also have a major impact on school performance. Recent studies also suggest that alcohol can cause neurological effects into adulthood.

Data for Southampton published in national datasets in May 2016 show that at 78/100,000 The rate of admission in Southampton children fits the profile from regions in the North of England where alcohol harms are at their highest. It lags a long way behind the SER national average.

The number of hospital admissions for under 18's is reported as a three year rolling average in national and local datasets. Latest data reveal 112 admissions over 36 months in Southampton for the period 2012 -15, an average of 3 admissions per month. This is significantly higher than the England average.

We are very concerned that premises' who do not adhere to licensing regulations are fuelling the health issues of underage drinking and contributing to the problems of very vulnerable street drinkers. So would strongly support this review.

Yours sincerely



Dr Bob Coates
Acting Interim Director of Public Health



Hampshire Constabulary

Police Licensing
Civic Centre
Southampton
Hampshire
SO14 7LY

Southampton City Council
Licensing Authority

Telephone: 101
Direct Dial [REDACTED]

Fax number:
Minicom TextRelay: 18001 101

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

Our ref: 44090025838
Your ref: 2005/00176/01SPRC

05/12/2016

Dear Southampton City Council,

Hampshire Constabulary is writing to lodge representation on the application for review of a premises licence for 'Hops & Grapes', 200 Shirley Road, Southampton, SO15 3FL.

This representation is regarding the following licensing objectives;

- The prevention of crime and disorder
- The protection of children from harm

Hampshire Constabulary's involvement with these premises has been limited in the past 2-3 years. I am able to provide a summary as follows;

In November 2013, Hampshire Constabulary wrote to these premises inviting these premises to participate in a scheme called 'reducing the strength' targeting licensed premises situated within specific areas to reduce the strength (ABV) of their beers, lagers and ciders on offer for a variety of reasons (Annex A). These premises did not formally respond to the invitation.

In September 2014 these premises were subject to an underage sales exercise which was passed.

In August 2015 Hampshire Constabulary wrote to these premises inviting these premises to participate in another scheme to refuse the sale of single cans of alcohol (Annex B). To the best of our knowledge these premises did not formally respond to the invitation, however, upon a licensing visit in April 2016, these premises were displaying signage in English and Polish advising that the sale of single cans of alcohol would be refused. (Annex C)

On the 6th October 2016, Hampshire Constabulary and Trading Standards conducted an underage sales exercise. These premises failed in quite extraordinary circumstances.



Hampshire Constabulary

The 15 year old child made an attempt to purchase alcohol and was challenged for identification by the staff member at the counter. When the child was unable to produce identification, the staff member asked the police licensing officer in the store to purchase the alcohol for the child. Ms Barrett's statement produced in Mr Marshall's application details the circumstances.

Mr Marshall has identified a number of regulatory compliance issues including alcohol being offered for sale at below the duty rate and value added tax. Hampshire Constabulary finds this troubling as it indicates suspected criminal offences are being committed which Home Office revised guidance considers should be treated seriously.

Hampshire Constabulary supports the application and Mr Marshall's view that a suspension of the licence could be considered a deterrent to such practices and due to the gravity of the underage sales exercise failure.

Mr Marshall has suggested the imposition of licence conditions to promote the licensing objectives. Hampshire Constabulary also proposes the imposition of an additional condition relating to the prohibition of the sale of single cans of alcohol.

'The sale of single cans of alcohol is prohibited'

These premises fall within the 2016 public spaces protection order (PSPO) for the Shirley area (Annex D) which street drinking and begging is having a detrimental effect on the quality of life of the community. As such, this proposed condition will support the long-term purpose of the PSPO.

Yours sincerely,



Constable 25323 A BOUCOUVALAS
Force Licensing Department



Hampshire Constabulary

Chief Constable Andy Marsh

Southampton Central
Police Station
Southern Road
Southampton
Hampshire

SO15 1AN

The Manager
Hops and Grapes
200 Shirley High Street
Southampton
SO15 3FL

Telephone: 101

Direct dial: [REDACTED]

Fax number:
023 8053 3304
Minicom TextRelay:18001 101

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

Our ref:
Your ref:

August 06th 2015

Dear premises manager,

I am writing to you in regard to regarding anti-social behaviour within the vicinity of your premises, specifically street drinking, begging and alcohol related disorder.

The licensing team works in partnership with your local neighbourhood policing officers as well as Southampton City Council and we are committed to try and improve the situation and raise standards within the community.

As a licensed premises, you have a duty to promote the prevention of crime and disorder which as you know is one of the licensing objectives.

There have been a number of licensed premises in your area that have already signed up to a local neighbourhood scheme to no longer permit the sale of single cans of alcohol to customers and we have been receiving some positive feedback and have also seen a reduction in anti social behaviour in certain areas of the city.

Hampshire Constabulary feels that this scheme will continue have a positive impact on tackling some of these issues, but there is more work to be done and we need your help.

We are inviting you to consider signing up to this local agreement in conjunction with the premises who are already positively participating to this good work. The Licensing team will produce and provide you with A4 sized advisory posters (see example below) that you can display to support the scheme and to advise customers that your premises will not sell single cans of alcohol.



Hampshire Constabulary

Chief Constable Andy Marsh

Hampshire Constabulary understands this may initially have some affect on your business but asks to recognise the potential long term benefits of this change to your business and to your local community.

We ask that you would respond with your participation decision so that we can record this on your licensing record and furnish you with any relevant documentation to support the scheme.

Yours faithfully,

PC Alex Boucouvalas
Hampshire Constabulary Licensing Department.

How to respond:

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

Post:

PC Alex Boucouvalas
Licensing Department
Southampton Central Police Station
Southern Road
Southampton
SO15 1AN

**These premises do not sell
single cans of alcohol.**



Please do not be offended if you
are refused service.

Call Hampshire Constabulary on 101
In an emergency always call 999
www.hampshire.police.uk



(A)



Hampshire Constabulary

Chief Constable Andy Marsh

Southampton Central
Police Station
Southern Road
Southampton
Hampshire

SO15 1AN

The Manager

Telephone: 101

Direct dial: [REDACTED]

Fax number: [REDACTED]

Minicom TextRelay: 18001 101

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

November 21st 2013

REDUCE THE STRENGTH CAMPAIGN

Dear Sir/Madam,

I am writing to you with regards to a campaign that the Police and the Safer Southampton Partnership are looking to launch in Southampton in order to combat drink related crime and anti social behaviour named "Reducing the Strength".

"Reducing the Strength" is a campaign aimed at persons who commit crime and anti social behaviour in the Southampton area which is drink related. This is a priority for your Safer Neighbourhood Team. We are seeking to work alongside the Safer Southampton Partnership and off licence venues within the city in order to remove super strength beers, lagers and ciders above 6.5% ABV from the shelves of local stores.

The key aims of the campaign are:

- Reduce alcohol harm to individuals and the local community
- Promote safe and healthy drinking
- Reduce the commission rates for violent crime and ASB in Southampton
- Work with partners and licensing authorities to achieve a safe environment for the public
- Promote and ensure compliance with the licensing objectives
- Work alongside venues and partners to reduce vulnerability associated with alcohol excess and substance abuse

Research has shown that super strength beers, lagers and ciders contribute to wide scale health problems amongst the most vulnerable in society and that this leads to crime and anti social behaviour.

Police in Ipswich have recently introduced a similar campaign which has successfully reduced anti social behaviour and crime in the areas where persons have been purchasing super strength alcohol. Local venues have noted a decrease in thefts from



Hampshire Constabulary

Chief Constable Andy Marsh

their premises, a decrease in incidents of anti social behaviour and importantly no loss of profit to their stores as a result.

We all want to reduce crime and anti social behaviour and make Southampton a safer place to live. This is your opportunity to work with the Police, Local Authority and NHS to make a difference. To show to your community that you are a responsible retailer who cares about the issues that affect your customers, all you need to do is remove the super strength beers, lagers and ciders above 6.5% from your shelves. Nothing more and nothing less.

In the coming weeks Police will provide more information with regards to how the campaign will be run. You will be contacted by our team to see if you wish to join us in promoting public safety and reduce public nuisance in this way. We cannot do this without your help and assistance. If you wish to come on board with us or wish to speak with us regarding this then please contact the Violent Crime Reduction and Licensing Team via the above means.

I look forward to hearing from you.

Together we can make a difference.

Yours Faithfully


PC 22237 Conway
Violent Crime Reduction and Licensing Team

C

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 05/12/2016 11:54 by 25323

Occurrence: **44090025838 Z Prem Licence (Management Occurrence)**

Author: #25174 WILLIAMS, J.

Report time: 05/04/2016 09:47

Entered by: #25174 WILLIAMS, J.

Entered time: 05/04/2016 09:47

Remarks:

Licensing visit

Report:

Licensing visit made to the store. Relevant Challenge posters in place. Staff fully co-operative. There is a sign in the window in English and Polish stating no sale of single cans.

When spoken with staff confirmed that they sell two or more person sale.

No issues noted.

The map shows the following streets and locations:

- Streets:** Victoria Road, Park Street, Church End, Shirley, Freemantle, Park Street, Church End, Shirley, Freemantle, Park Street, Church End, Shirley, Freemantle.
- Locations:** Shirley, Freemantle, School, Park, Church End, Shirley, Freemantle.
- Scale:** 0 to 100m.
- North Arrow:** Indicated by a small arrow pointing upwards.

Freemantle

Produced by Southampton City Council Strategy Unit September 2015
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**AUTHORISED
SIGNATORY**

104-335

Representations for licensing review:

Mr Nadanasabesan would like to express his sincere apologies to the Police and to Southampton City Council that it has been necessary to make an application to review his premises licence. He would like to assure the Committee that there will be no repeat of the cause that has led to the premises licence review.

Mr Nadanasabesan has been operating these premises for the last 11 years. It is essentially a dedicated off licence. He is a sole trader. He is a man of good character with no criminal record or cautions against him. He accepts that the conditions proposed by the applicant are both appropriate and proportionate to address the cause of the review.

In relation to the sale of alcohol to the test purchaser this was undertaken by a member of his staff. That member of staff had worked in licensed premises previously and he had reminded them of their responsibilities when selling alcohol verbally and to ask for ID if someone looked under the age of 25. He did not keep a written record of that training. It is asserted in the application that profit was the driver for the person to make the sale. This is not correct. The person was an employee and her salary was not dependent on the level of sales.

Mr Nadanasabesan was not present in the shop at the time. He acted appropriately following the incident by carrying out a disciplinary hearing and dismissing Mrs Sivananthan from her employment.

He is aware that his shop has been the subject of at least one other test purchase as he received a letter confirming that the sale had been refused.

In relation to the sale of alcohol below cost plus VAT he accepts that he did not act responsibly but the circumstances of that sale are entirely different from the allegation set out in the review application. The alcohol was sold at below cost plus VAT. The product however, was not illicit. He purchases his alcohol from a wholesaler called Fio's cash and carry in London. He had received 8 cans of Karpackie Beer in his order by mistake. He has never sold Karpackie Beer before. Rather than take those 8 cans back to the wholesaler he took the decision to put them on the shelves to sell at the same price he was selling the beer that should have been in the order.

That is why there was Karpackie listed on the receipt shown to Lucas Marshall. He had in fact not sold any of the Karpackie Beer before they were removed from sale. His failing was therefore not to think carefully enough that the wholesalers error might lead him to breach the mandatory condition, as opposed to a premeditated and deliberate act for personal gain.

He accepts entirely he should have taken greater care with the labelling issue and now ensures that only he checks stock before it is placed on the shelves. He removed the beers from sale as requested by the officer and thereafter relabelled the products with English labels. Products he purchases from the wholesaler are sometimes labelled in English and are sometimes supplied with labels to be attached to the products.

It is certainly not the case that he has no interest in complying with the law. There is absolutely no financial or other benefit to him in avoiding placing English labels on the products. He acknowledges the seriousness of the situation and has now put in place a rigid process whereby he checks each product label and places the stock on the shelves himself. There can then be no possibility of human error either from the wholesaler or a member of his staff.

Mr Nadanasabesan invites the Committee not to suspend the premises licence. The role of the Licensing Authority is not to punish licence holders nor to send messages to other

premises licence holders, but to seek a redress which promotes the licensing objectives. In accordance with s182 guidance issued by the Secretary of State the action taken on a review should be no more than is necessary and proportionate to promote the licensing objectives.

There is absolutely no likelihood of a repetition of the "cause" of this review and therefore no deterrent is required. The conditions will ensure future compliance as will the salutary lesson learned having undergone interviews with the Council officers and these proceedings. Further a suspension of the premises licence would have a severe financial effect on him which would be disproportionate given the facts set out above.

Blake Morgan LLP solicitors for the premises licence holder.

20th December 2016