

# Licensing (Licensing and Gambling) Sub-Committee

Monday, 9th January, 2017  
at 9.30 am

**PLEASE NOTE TIME OF MEETING**

Council Chamber - Civic Centre

This meeting is open to the public

## **Members**

Three Members drawn from the Licensing Committee

## **Contacts**

Democratic Support Officer  
Pat Wood

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Service Director - Transactions & Universal Services

Mitch Sanders

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## **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 **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.

### 6 **APPLICATION FOR REVIEW OF PREMISES LICENCE - CITY OFF LICENCE, 2 PARK STREET, SOUTHAMPTON SO16 4RJ** (Pages 1 - 38)

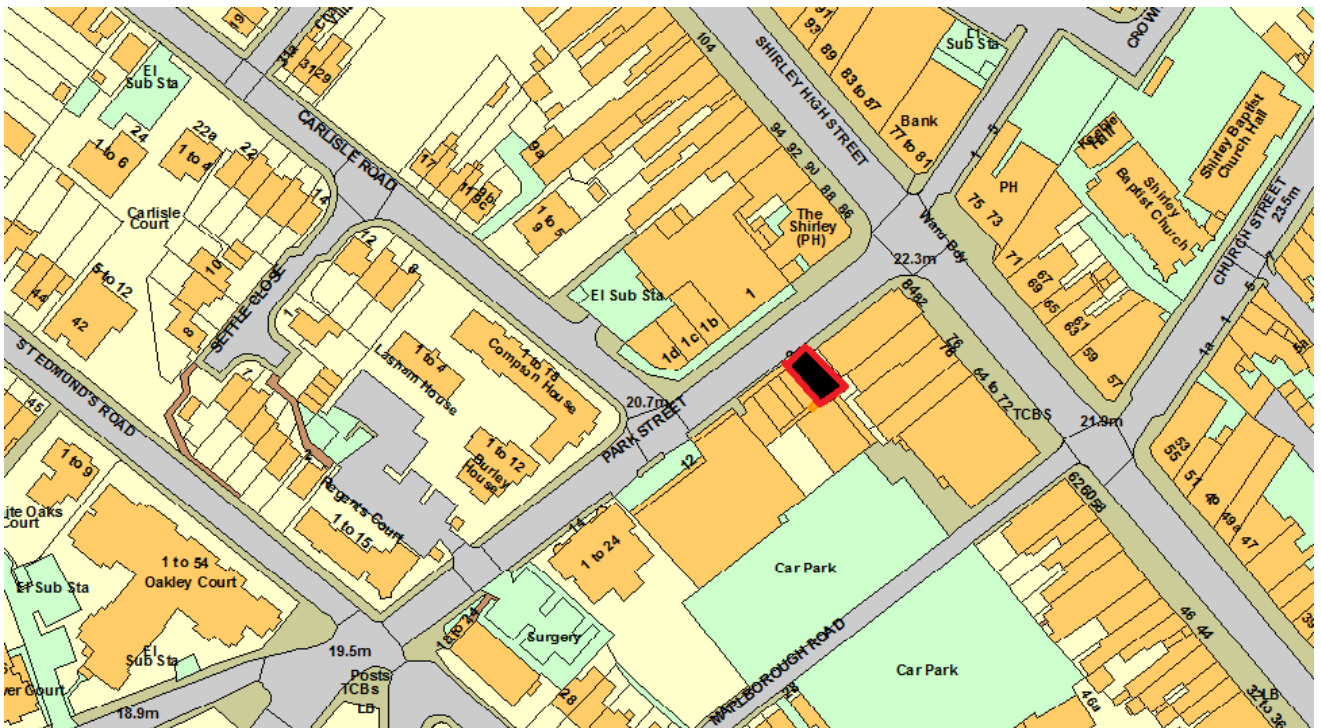
Application for review of a premises licence in respect of City Off Licence, 2 Park Street, Southampton SO16 4RJ, attached.

Thursday, 29 December 2016

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

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**DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE**  
**HEARING TO CONSIDER AN APPLICATION FOR REVIEW OF A PREMISES LICENCE –**  
**SUBJECT CITY OFF LICENCE, 2 PARK STREET, SOUTHAMPTON SO16 4RJ**  
**DATE OF HEARING MONDAY 09 JANUARY 2017 – 09:30 am**  
**REPORT OF SERVICE DIRECTOR – TRANSACTIONS & UNIVERSAL SERVICES**  
**E-mail licensing@southampton.gov.uk**  
**Review application (Licensing Act 2003, section 51)**  
 Application date: 26 OCTOBER 2016 Received: 11 NOVEMBER 2016  
 Application valid : 11 NOVEMBER 2016 Reference : 2016/03378/01SRAP



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

<b>Responsible Authority</b>	<b>Satisfactory?</b>
Children's Services	NO
Hampshire Fire And Rescue	Yes
Environmental Health	Yes
Planning & Sustainability	No response received
Public Health	No response received
Hampshire Constabulary	Applicant for Review
Trading Standards	NO

## ***Other Representations***

<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
	None received.	

## ***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 makes 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 (Hampshire Constabulary) – Pages 5-31*

*Trading Standards representation - Pages 32-35*

*Children Services Representation – Pages 36-37*

<b>Premises Licence Holder</b>	Mrs. Bhavitabahen Patel - from 28/08/2014
<b>Designated premises Supervisor</b>	Mrs. Bhavitabahen Patel – from 28/08/2014

### **Licensable Activities.**

Supply by retail of alcohol	The opening hours of the premises
Monday 09:00 - 00:00	Monday 09:00 - 00:00
Tuesday 09:00 - 00:00	Tuesday 09:00 - 00:00
Wednesday 09:00 - 00:00	Wednesday 09:00 - 00:00
Thursday 09:00 - 00:00	Thursday 09:00 - 00:00
Friday 09:00 - 00:00	Friday 09:00 - 00:00
Saturday 09:00 - 00:00	Saturday 09:00 - 00:00
Sunday 09:00 - 00:00	Sunday 09:00 - 00:00

### **Conditions attached to current licence – excluding mandatory conditions.**

- 1 The holder of the premises licence shall ensure that every individual who appears to be under 21 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the Licensing Authority proving that individual to be 18 years of age or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.
- 2 Alcohol may be supplied at the premises in the area shown on the plan annexed to this licence, in accordance with the proposed layout during the hours set out above.



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

I Alexander Boucouvalas, on behalf of the Chief Officer of Hampshire Constabulary, (Insert name of applicant)

- Apply for the review of a premises licence.
Apply for the review of a club premises certificate.
Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Postal address of premises: CITY OFF-LICENCE, 2 PARK STREET, SOUTHAMPTON HAMPSHIRE, United Kingdom
Postcode (if known): SO16 4RJ

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

Number of premises licence or club premises certificate (if known)
2014/02994/01SPRT

Details of responsible authority applicant

Mr Mrs Miss Ms Other title / Rank: Constable
Surname: BOUCOUVALAS First Names: ALEXANDER
Current postal address: POLICE LICENSING, CIVIC CENTRE, SOUTHAMPTON, HAMPSHIRE, United Kingdom
Postcode: SO14 7LY
Daytime telephone number:
E-mail address: (optional)

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



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

Select one or more boxes

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

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

Hampshire Constabulary applies for the review of the premises relating to City Off-Licence, 2 Park Street, Southampton relating to the following licensing objectives.

- 1) The prevention of crime and disorder
2) Public Safety
3) Protection of children from harm

BACKGROUND

City Off-Licence is a small off-licence store and business is focussed around the supply of alcohol offering very little else. The premises licence holder and designated premises supervisor (DPS) is Mrs Bhavitabehen Patel.

Mrs Patel has been the DPS and licence holder since August 2014 after transferring the licence from her husband Mr Rajendra Patel.

Mr Patel and Mrs Patel are both officers of an overriding business named 'KRUPA NEWS SHIRLEY LIMITED' with a correspondence address of 8 Park Street. (Annex 2)

Mr and Mrs Patel both run City Off-Licence as well as their neighbouring premises City News, 8 Park Street, Southampton. City News is a convenience store which also had a smaller alcohol offering. (Annex 1)

This review application is regarding City Off-Licence, 2 Park Street, however Hampshire Constabulary feels it is appropriate to include matters arising in the connection with the formally licensed City News of 8 Park Street.

These premises were licensed until very recently but we must be clear that these premises are now no longer licensed. The reason for including matters regarding both is due to both premises having been run by the same licence holder and DPS and are situated just metres away from one another. They are inherently connected with one another.





[REDACTED]

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Mrs Patel is listed as the sole licence holder, however it is clear to Hampshire Constabulary that both Mr and Mrs Patel are actively involved in the operation of the business. The practices between both premises show how the licence holder and her husband choose to operate their business.

#### TIMELINE

City Off-Licence came to Hampshire Constabulary's attention on the 24th July 2014 when officers had a known burglar in Police custody. The offender was taken for a 'drive around the city' and during that time he made an admission to have previously committed a burglary at another licensed premises in Shirley. The offender stated he walked to City Off-Licence with 5-6 stolen bottles of spirits and a laptop computer which he then sold to the store.

Soon afterwards the previous licence holder Mr Patel was arrested on suspicion of handling stolen goods. City Off-Licence was searched and no stolen property was found, however on a search of another address associated with Mr Patel's, several stolen electrical items were discovered.

On the 22nd August 2014, Hampshire Constabulary received notification that Mr Patel had submitted an application to transfer the licence to his wife Mrs Patel. Mr Patel also surrendered his personal licence to Southampton City Council Licensing authority. It is now thought that this was as a result of the on-going criminal investigation at the time.

On the 24th September 2014, the premises were tested and passed an under-age sales exercise.

On the 6th August 2015, Hampshire Constabulary wrote to City Off-Licence inviting them to participate in a local scheme within the Shirley area to no longer permit the sale of single cans of alcohol. This scheme was launched to disrupt begging and street drinking. Disappointingly, City Off-Licence did not participate.

On the 9th September 2015, Hampshire Constabulary received anonymous information that both premises City News and City Off-Licence may be involved with the supply of drug paraphernalia and possibly 'legal highs'.

On the 9th October 2015 Mr Patel was found guilty of handling stolen goods and fined at Southampton Crown Court. (Annex 3)

In late October 2015, a new premises licence was issued at City News, 8 Park Street, Southampton. The licence was issued with strict conditions solely in Mrs Patel's name as premises licence holder and designated premises supervisor. (Annex 4)

On the 6th October 2016, Hampshire Constabulary and Southampton City Council Trading Standards conducted test purchasing exercises at both City News and City Off-Licence. A 15 year old male attended City News and successfully purchased 4 cans of Fosters lager. This was witnessed by a plain clothed police licensing officer Samantha Barrett. (Annex 5) PC Boucouvalas attended the store shortly afterwards and spoke to the staff member responsible.





[REDACTED]

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This staff member spoke poor English. He was identified to be illegally present in the UK and was not entitled to work. Mr and Mrs Patel were present and stated the staff member was a 'friend of a friend' and that he was just 'helping out.' The matter was reported to HM Home Office immigration for their attention. Annex 6 contains a statement from HM Home Office Immigration service confirming the status of the staff member encountered.

A large quantity of drug paraphernalia was on display. Whilst this is not an offence to do so, it is Hampshire Constabulary's view that offering these items for sale does not promote the licensing objectives. Items for sale included weighing scales, 'deal-bags', pipes, and grinders. Some of these items even displayed a 'cannabis' image. (Annex 7) The possession and supply of cannabis is an offence under The Misuse of Drugs Act 1971.

City Off-Licence was also tested on the 6th October 2016. The store successfully refused the sale of alcohol to the 15 year old, but sold a plain clothed police licensing officer a can of 500ml 9% Karpackie and a 7.6% 500ml can of Perla Mocna for £2.19. (Annex 5) Enquiries have revealed that the absolute minimum price these 2 items can be sold for is £2.36. It is not financially viable to sell both of these products at the prices sold to our plain clothed officers.

Southampton City Council Trading Standards have sought professional advice from HM Revenue and Customs. Annex 8, a statement of Mr David Fryer provides clarity on this issue and that in his professional opinion is that these goods have come from an illicit source.

On the 10th October 2016, a further test purchase was conducted at City Off-Licence. Samantha Barrett, a plain clothed police licensing officer attended the store and again purchased a 500ml 9% can of Karpackie lager, this time for £1.20. The lowest amount this can be legally purchased for is £1.28 which is the duty rate plus value added tax. This again suggests the alcohol has been obtained from an illicit source.

Shortly after this test purchase, PC Boucouvalas attended City News and spoke with Mr Patel who was present. A compliance inspection of City News took place and it was found that multiple conditions of the licence were in breach.

The CCTV system was in place but had not been recording for some time.

The refusals register was in place but recorded the last refusal in July 2016 which Hampshire Constabulary suggests is unusual. No weekly checks on the refusal register were recorded.

Challenge 25 posters were not on display. There was no training record for the staff member responsible for the under-age sale on the 6th October 2016.

All of these matters are conditions of the premises licence of City News and the supply of alcohol is not authorised by the licence unless these measures are in place. (Annex 4) Supplying alcohol whilst the conditions of the licence are not met is an offence under Section 136 of the Licensing Act 2003.

Drug paraphernalia was still on display despite being advised to remove it from sale on the





[REDACTED]

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6th October 2016.

Mr Patel was addressed about the sale of the 9% ABV 500ml can of Karpackie below duty and VAT at City Off-Licence a short time earlier. He denied that the sale took place. PC Boucouvalas invited Mr Patel to review the CCTV at City Off-Licence. When this took place, it was identified that an unknown staff member was responsible for the sale. Mr Patel stated he did not have any details for this member of staff.

Hampshire Constabulary finds this suspicious in light of recent events just days prior at Mr and Mrs Patel's City News store regarding illegal working.

Further drug paraphernalia was found on display at City Off-Licence (Annex 9)

At the conclusion of the visit, Mr Patel was warned that Hampshire Constabulary are considering applications to review both premises licences of City Off-Licence and City News.

On the 12th October 2016, Hampshire Constabulary received contact from Mr Lucas Marshall at Southampton City Council Trading Standards that he had encountered a male working at the City Off-Licence who claimed he did not have the right to work in the UK. Mrs Patel was also present at the store. Hampshire Constabulary later made enquires with the details of the staff member that Mr Marshall had obtained with HM Home Office Immigration. They confirmed that this staff member was also illegally in the UK and had no right to work. (Annex 10)

On the 18th October 2016, Hampshire Constabulary received notification that the premises licence for City News, 8 Park Street had been surrendered to Southampton City Council.

It is suspected that this is as a result of the significant failings that was uncovered. Hampshire Constabulary confirmed with Southampton City Council that City Off-Licence remained licensed.

#### DETERMINATION

It is Hampshire Constabulary's view that the matters at both City News and City Off-Licence are of such a serious nature and that Mrs Patel is not a suitable licence holder at either premises.

Should the licence of City News had not been surrendered, Hampshire Constabulary would have certainly made an application for review on both premises as it is the view of Hampshire Constabulary that the premises licence holder and her husband are the root cause of the issues faced at both premises.

Hampshire Constabulary invites the Licensing authority to consider the revised guidance issued in March 2015 under section 182 of the Licensing Act 2003. Sections 11.27 and 11.28 states

"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully





[REDACTED]

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be employed as a result of a condition on that person's leave to enter;

- for the sale or storage of smuggled tobacco and alcohol.

It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”

Employing a person who is unlawfully in the UK also denies others who have the right to work of employment. It also leaves persons unlawfully employed open to exploitation. The avoidance of tax and duty costs results in cheaper and easier access to alcohol which naturally is going to impact on a variety of public services.

Hampshire Constabulary feels it is important to point out a recent ruling (East Lindsey District Council v Abu Hanif) determined a principle that it is not necessary for a prosecution to be brought for the crime prevention objective to be engaged. This is prudent for this case as these issues have been referred to the relevant authorities to take any action deemed necessary but Hampshire Constabulary does not have information to suggest prosecutions have yet taken place.

It is Hampshire Constabulary's view that the City Off-Licence is seriously undermining the licensing objectives, particularly the prevention of crime and disorder. These premises are connected with criminal activity such as handling stolen goods, knowingly employing persons unlawfully in the UK and who cannot lawfully be employed, the sale and storage of smuggled alcohol and breaches of mandatory licence conditions which leads to offences under the licensing act of unauthorised licensable activities.

Hampshire Constabulary's view that due to the history of issues between both City Off-Licence and City News, Mrs Patel is unable to operate this business lawfully and responsibly.

Hampshire Constabulary is concerned these premises are a hub for criminal activity. Hampshire Constabulary has considered whether the imposition of strict conditions could rectify the problems being faced however it is felt this is not appropriate to impose licence conditions which duplicate statutory requirements and other legislation. Hampshire Constabulary therefore does not see an alternative more appropriate than revocation of the premises licence in these circumstances.

#### Schedule of Annexes

ANNEX 1 – Google street view image of City Off-Licence and City News.

ANNEX 2 – Companies House online record of Krupa News Shirley Limited.

ANNEX 3 – Letter from Hampshire Constabulary witness care unit.

ANNEX 4 – Surrendered Premises Licence for City News, 8 Park Street, Southampton

ANNEX 5 - Witness Statement – Samantha Barrett – Police Licensing Officer

ANNEX 6 – Witness Statement – Catherine Warner – Home Office Executive Officer





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- ANNEX 7 – Drug paraphernalia on sale at City News
ANNEX 8 – Witness Statement – David Fryer – HM Revenue & Customs
ANNEX 9 - Drug paraphernalia on sale of City Off-Licence
ANNEX 10– Witness Statement – Catherine Warner - Home Office Executive Officer

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

If yes please state the date of that application: / / Day Month Year

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

Please tick

- [X] 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
[X] I have sent a copy of this representation to the principal licensing officer of Southampton City Council

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

Signature of Officer Completing

Name CONSTABLE A. BOUCOUVALAS Collar Number: 25323
Signature: [Redacted] Date: 26/10/2016

Signature of Authorising Officer (Inspector or above)

Name Inspector Justin ROBERTS Collar Number: 2841
Signature: [Redacted] Date: 07/11/16

CITY OFF LICENCE

GOOGLE STREET VIEW IMAGES

CITY NEWS





2

### Companies House

BETA This is a trial service — your [feedback \(https://www.research.net/r/chbeta\)](https://www.research.net/r/chbeta) will help us to improve it.

Search for companies or officers

## KRUPA NEWS SHIRLEY LIMITED

Company number 07911188

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/07911188/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/07911188/persons-with-significant-control)

### Filter officers

Current officers

Apply filter

### 2 current officers / 1 resignation

#### PATEL, Bhavitabehen

Correspondence address 08 Park Street, Southampton, England, SO16 4RJ

Role Active **Secretary**

Appointed on 1 February 2013

#### PATEL, Rajendrakumar Kalidas

Correspondence address 08 Park Street, Southampton, England, SO16 4RJ

Role Active **Director**

Date of birth [REDACTED]

Appointed on 16 January 2012

Nationality **Indian**

Country of residence **United Kingdom**

Occupation **Director**

#### ADAMS, Laurence Douglas

Correspondence address 44a, The Green, Warlingham, Surrey, United Kingdom, CR6 9NA

Role Resigned **Director**

Date of birth [REDACTED]

Appointed on 16 January 2012

Resigned on 16 January 2012

Nationality **British**

Country of residence **United Kingdom**

Occupation **Director**

(3)



**WCC11**  
**Hampshire Constabulary**  
Chief Constable Andy Marsh

Witness Care Unit - 6th Floor  
Southampton Central Police Station  
Southern Road  
Southampton  
SO15 1AN

**Telephone: 101**  
**Direct dial:**

**Fax No:**

**Deaf/speech impaired minicom: 01962 875000**

**Email: [cju.southampton.wcu.crown@hampshire.pnn.police.uk](mailto:cju.southampton.wcu.crown@hampshire.pnn.police.uk)**  
8.30am - 5pm Monday to Thursday, 8.30am -  
4.30pm on Fridays

13/10/2015

Dear

**Unique reference number: 44SC0822014**

**Case Against: RAJENDRA KUMAR PATEL**

I am writing to let you know what has happened in the case in which you are involved.

At the sentence on 09/10/2015, the defendant pleaded guilty and was sentenced as follows:-

**Case Against: RAJENDRA KUMAR PATEL**



**Offence:** Handle stolen goods - **Offence Date** 24/07/2014

Guilty plea

To pay a fine of £350.00 or in default to serve 14 days imprisonment;

To Pay a Surcharge of £70.00

**Offence:** Handle stolen goods - **Offence Date** 24/07/2014

Guilty Plea

To pay a fine of £350.00 or in default to serve 14 days imprisonment

It is possible for the defendant to appeal against the conviction and sentence. If this happens it will be dealt with at the Court of Appeal in London. I will keep you informed and explain the process to you if there is an appeal.

In addition, with certain offences the Attorney General can refer a sentence that he considers "unduly lenient" (too light) to the Court of Appeal. The Crown Prosecution Service always considers whether a sentence should be drawn to the attention of the Attorney General

If there is anything I can help you with please call me on the number at the top of this letter during our usual opening hours. Alternatively, you can write to me at the above address.

Thank you for your assistance in this case. Your help is very important to the criminal justice process and it is greatly appreciated

Yours sincerely

Witness Care Officer

**What you should do now:**

- Contact me if you require any further support or information.
- Any property retained by the police will be returned to you in due course.



SOUTHAMPTON CITY COUNCIL  
Schedule 12  
Part A  
Premises Licence

Regulation 33, 34

Premises licence number 2015/02657/01SPRN

Part 1 - Premises details

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

City News  
8 Park Street  
Shirley  
Southampton  
SO16 4RJ

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Supply by retail of alcohol

Monday	08:00 - 00:00
Tuesday	08:00 - 00:00
Wednesday	08:00 - 00:00
Thursday	08:00 - 00:00
Friday	08:00 - 00:00
Saturday	08:00 - 00:00
Sunday	08:00 - 00:00



The opening hours of the premises

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	05:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence  
Bhavilababen Patel  
8 Park Street  
Shirley  
Southampton  
SO16 4RJ

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

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

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

Licence Number  
Licensing Authority: Southampton City Council

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

Dated this 1st day of October 2015:

Head of Legal & Democratic Services

Licensing - Southampton City Council  
Southampton & Eastleigh Licensing Partnership  
PO Box 1767  
Southampton  
SO18 9LA

## Annex 1 – Mandatory Conditions

- 1 No supply of alcohol shall be made under the premises licence:
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

- 4 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  - 2 For the purposes of the condition set out in paragraph 1—
    - (a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) 'permitted price' is the price found by applying the formula —
$$P = D + (D \times V)$$
where—
      - (i) P is the permitted price;
      - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and
      - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
    - (c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—
      - (i) the holder of the premises licence;
      - (ii) the designated premises supervisor (if any) in respect of such a licence; or
      - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
    - (d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
    - (e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.
  - 3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pence, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
    - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (the first day) would be different from the permitted price on the next day (the second day) as a result of a change to the rate of duty or value added tax.
    - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Annex 2 – Conditions consistent with the operating Schedule

- 1 1) 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.

- 2) Refusals Logs  
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.

- 3) 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 persons date of birth.  
If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.  
Challenge 25 posters shall be displayed in prominent positions at the premises.

- 4) 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 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.

- 5) Single cans of alcohol



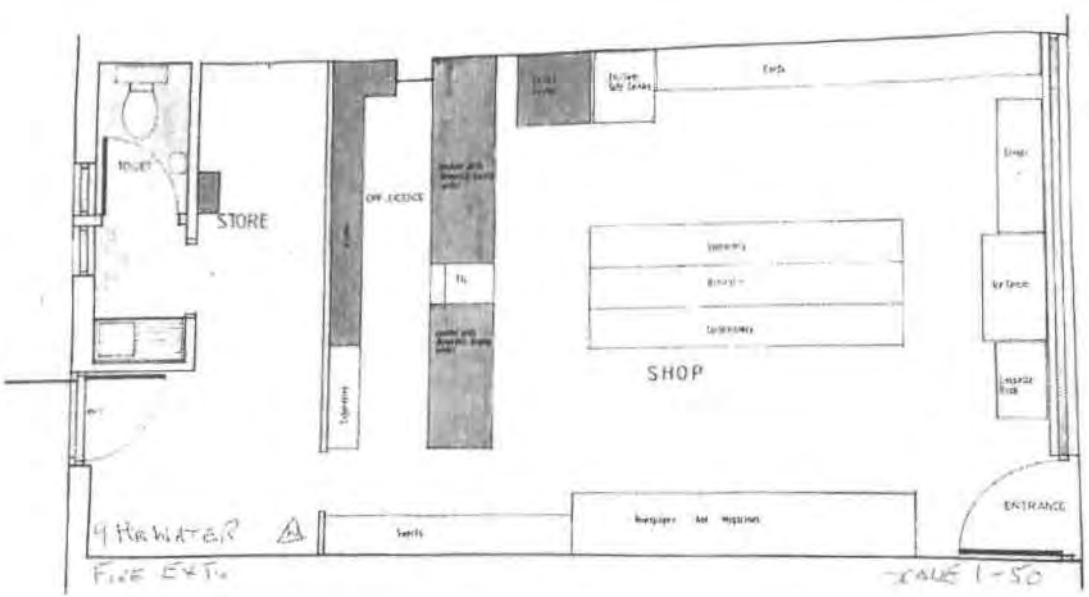
Sales of single cans of alcohol are prohibited

6) 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.

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

1 None

Annex 4 - Plans



Plan not reproduced to scale.



5

[Redacted]

MG11

**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: O18 (if over 18 insert 'over 18') Occupation: Licensing Assistant

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

Signature: [Redacted] (witness) Date: 10/10/2016

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 06<sup>th</sup> 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: [Redacted] Signature witnessed by: .....

2010/11

Page 19



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 1745 I attended City News, 9 Park Street, Southampton SO16 4RJ. The test purchaser entered the store first and I followed shortly after. Both the test purchaser and I went to the alcohol aisle. I could only see one small fridge with cans of alcohol located near to the till. The test purchaser selected 4x cans of Fosters whilst I selected a small packet of Jaffa cakes. The test purchaser went to the till and I stood behind the test purchaser in the queue.

There was an Asian male behind the counter, I could not see any other members of staff in the premises. The male muttered something to the test purchaser but it was muttered very quietly and I could not hear what this was. The male entered the price of the alcohol onto the till, he did not tell the test purchaser the price of the alcohol. The test purchaser handed the male the money and the male gave the test purchaser the change. The test purchaser then left the store and met PC 2903 SWALLOW outside the premises. I then paid for the Jaffa Cakes and left the store.

PC 2903 SWALLOW then made his way to the car (where PC 25323 BOUCOUVALAS and Lucas MARSHALL were). We then followed PC 2903 SWALLOW shortly afterwards. Once at the car I explained what happened in the premises. PC 25323 BOUCOUVALAS and Lucas MARSHALL then took the alcohol that the test purchaser had purchased and went back to the premises.

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

Another test purchase was conducted to the store two doors away, City Off Licence, 2 Park Street, Southampton SO16 4RJ. This is the same premises licence holder as the previous premises, City News.

The test purchaser entered the store first and I followed shortly after. Both the test purchaser and I went to alcohol aisle. The test purchaser selected 2 cans of alcohol and I selected 1 can of 500ml Karpackie (9% ABV) and 1 can of 500ml Perla Mocna (7.6% ABV). The test purchaser put the alcohol onto the counter whilst I stood behind the test purchaser in the queue.

There was an Asian male behind the counter, he asked the test purchaser for ID to which the test purchaser replied they did not have any. The male then refused the sale of alcohol. The test purchaser left the store.

I then placed 1 can of 500ml Karpackie (9% ABV) and 1 can of 500ml Perla Mocna (7.6% ABV) onto the counter. The male asked me for identification to which I showed him my ID. The male then advised that the total was £2.19 for both cans. I advised that I only had two pounds. There was a male behind me in the queue who I did not know. The male advised that he had 20p that I could have and gave the male behind the counter the 20p. I thanked the male for the 20p, I then took the cans and left the premises.

I spoke with Lucas MARSHALL (Trading Standards) regarding this who advised that £2.19 for both cans is below duty + VAT.

Signature:

Signature witnessed by: .....

A further test purchase was conducted on Monday 10<sup>th</sup> October 2016 at approximately 1130 hours. I was in plain clothes with PC 25323 BOUCOUVALAS. I entered the premises alone and went straight to the alcohol aisle, once there I browsed the alcohol and selected one can of 500 ml Karpackie (9% ABV). I went to the till and there was an Asian male behind the counter. I placed the can onto the counter, the male asked my age and I replied that I was 26. The male continued to look at me before I asked him if he wanted to see my ID to which he nodded. I showed the male my ID and again the male looked at me. I had to ask the male how much the can was to which he replied £1.20. I advised the male that I only had one pound, the male then took the pound from me and sold me the alcohol. I took the can and left the store. I am now aware that the lowest this can could have been sold for was £1.28.

I met PC 25323 BOUCOUVALAS outside of the premises and explained what had happened.



Signature: [Redacted]

Signature witnessed by: .....

6

# Witness Statement

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

**Statement of:** CATHERINE WARNER

**Age if under 18:** Over 18

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

Signature: .. [Redacted]

Date: .....2<sup>nd</sup> November 2016.....

I am an Executive Officer employed in the Home Office. It is part of my duties to ascertain, from existing Home Office records, the immigration status of persons who are subject to control under the Immigration Act 1971 as amended, and to have responsibility for the custody of Home Office records.

The aforesaid records were created by officers at the Home Office in the course of their duties in relation to matters they had personal knowledge of at the time, from documents they received or from information supplied by persons who had personal knowledge of the case. The persons who created the records, or supplied the information, cannot reasonably be expected, having regard to the time which has elapsed since the information was supplied and to all the circumstances, to have any recollection of the matters dealt with at the time.

Please note that I am not an Immigration Officer or a Home Office caseworker, therefore the only questions that I can answer, should I be called as a witness in the case, would be those concerning the facts that have been recorded in my statement that were obtained from Home Office records.

Home Office computer records show that [Redacted] a national of India, date of birth [Redacted] was issued by the British High

Signature: [Redacted]

Signature witnessed by: [Redacted]  
PRINT NAME: .....



## Witness Statement

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

**Statement of: CATHERINE WARNER**

Commission in Mumbai, on 20<sup>th</sup> December 2010, with Entry Clearance as a Tier 4 General Dependant, valid for entry to the UK between 31<sup>st</sup> December 2010 and 31<sup>st</sup> July 2012, on condition that recourse to public funds was prohibited, able to work except as a doctor or dentist in training.

On 13<sup>th</sup> January 2011, [REDACTED] arrived at Heathrow Airport Terminal 4 and was granted Leave to Enter the UK, on previously mentioned conditions.

On 13<sup>th</sup> August 2016, [REDACTED] was encountered at Debenhams, Harrow, on suspicion of criminal offences and arrested by Police on immigration offences.

On 14<sup>th</sup> August 2016, [REDACTED] was served with form RED.0001, Notice of Immigration Decision of Notice of Removal: Persons who require, but no longer have leave to enter or remain are liable to removal from the United Kingdom under section 10 of the Immigration and Asylum Act 1999 (as amended by the Immigration Act 2014), along with form IS96, Notification of Temporary Admission to a Person who is Liable to be Detained under the Immigration Act 1971, as amended, with no permission to work and to report to Eaton House on 17<sup>th</sup> August 2016.

There is no trace on Home Office records that [REDACTED] reported as required.

On 6<sup>th</sup> October 2016, the Home Office received information from Police that [REDACTED] was encountered working and serving alcohol at an off-licence in Southampton.

Signature: [REDACTED] ...

Signature witnessed by: [REDACTED] ...

PRINT NAME: [REDACTED]

# Witness Statement

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

Statement of: **CATHERINE WARNER**

On 14<sup>th</sup> October 2016, [REDACTED] was served with a new form IS96, with reporting restrictions to Southampton – Portswood Police Station on [REDACTED]

[REDACTED] has had no valid Leave to Remain in the UK, and no permission to work, since 1<sup>st</sup> August 2012.

To the best of my knowledge and belief this information is correct based on the Home Office records available to me at the time of writing.

[REDACTED] remains subject to control under the Immigration Act 1971, as amended, and as such is liable to deportation or administrative removal from the United Kingdom. [REDACTED]

Signature: [REDACTED]

Signature witness [REDACTED]

PRINT NAME: ... [REDACTED]

Incident/Crime Number:

44080561057

Identification Exhibit No:

Court Exhibit No:

R v

Description:

Weighing scales, deal bags, grinders displayed for sale at counter.

Time and Date Produced:

06/10/16 1800 hours

Where Produced:

City News, Park Street, Southampton

Produced by:

PC Boucouvalas

Signed:



(1) Name (BLOCK CAPITALS)

Signed

Time

Date

(2) Name (BLOCK CAPITALS)

Signed

Time

Date

(3) Name (BLOCK CAPITALS)

Signed

Time

Date







**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 Glynn 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: <sup>1</sup> **David Glynn Fryer** Date: **20/10/2016**

Indicate if witness evidence is visually recorded<sup>2</sup> Y/N (If YES, see guidance)

<sup>3</sup>

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.

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 and a 500 millilitre can of "Perla Mocna" lager which were both purchased from Krupa News Shirley Ltd, t/a City News Off Licence, 2 Park Street, Southampton, SO16 4RJ for £2.20. Later a sole can of "Karpackie" was purchased for £1.20.

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 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 of "Karpackie" at 9% ABV is **£1.28.**

Date: 20/10/2016  
Signature: David Fryer  
(Signature of witness)

Signature: Enter Name  
(Signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**



Statement of: David Glynn Fryer

URN:

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

You follow the same formula for the calculation of the "Perla Mocna" lager.

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

The bulk Hectolitre figure is multiplied by the ABV amount, in this case 7.6%.

$$0.005 \times 7.6 = 0.038 \text{ hl\%ABV}$$

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  $£23.85 \times 0.038 = £0.90$

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

$$£0.90 \times 20\% = 18\text{p} \quad £0.90 + 18\text{p} = £1.08$$

Therefore the minimum excise duty on a 500ml can of "Perla Mocna" at 7.6% ABV is **£1.08**.

These calculations do not include any VAT charged on the actual purchase price of the product, nor production or transport costs and is just the tax due to HMRC.

It is therefore not financially viable to sell both products for less than £2.36 and would indicate that these goods have come from an illicit source.

Date: 20/10/2016

Signature:  
(Signature of witness)Signature: Enter Name  
(Signature witnessed by)**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**Page 27  
Page 2 of 2

**Incident/Crime Number:**

44080561057

**Identification Exhibit No:**

**Court Exhibit No:**

**R v**

**Description:**

Smoking Pipes in packaging displaying 'Cannabis' symbol.

Grinders

displayed for sale.

**Time and Date Produced:**

10/10/16 1200 hours

**Where Produced:**

City Off Licence, Park Street,  
Southampton

**Produced by:**

PC Boucouvalas

**Signed:**



**(1) Name (Block CAPITALS)**

Signed

Time

Date

**(2) Name (Block CAPITALS)**

Signed

Time

Date

**(3) Name (Block CAPITALS)**

Signed

Time

Date







# Witness Statement

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

**Statement of: CATHERINE WARNER**

**Age if under 18: Over 18**

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

Signature: [Redacted] .....

Date: .....4<sup>th</sup> November 2016.....

I am an Executive Officer employed in the Home Office. It is part of my duties to ascertain, from existing Home Office records, the immigration status of persons who are subject to control under the Immigration Act 1971 as amended, and to have responsibility for the custody of Home Office records.

The aforesaid records were created by officers at the Home Office in the course of their duties in relation to matters they had personal knowledge of at the time, from documents they received or from information supplied by persons who had personal knowledge of the case. The persons who created the records, or supplied the information, cannot reasonably be expected, having regard to the time which has elapsed since the information was supplied and to all the circumstances, to have any recollection of the matters dealt with at the time.

Please note that I am not an Immigration Officer or a Home Office caseworker, therefore the only questions that I can answer, should I be called as a witness in the case, would be those concerning the facts that have been recorded in my statement that were obtained from Home Office records.

Home Office computer records show that [Redacted] a national of India, date of birth [Redacted] was issued by the British High Commission

Signature [Redacted] .....

Signature witnessed by: [Redacted]

PRINT NAME: ..... [Redacted]

## Witness Statement

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

**Statement of: CATHERINE WARNER**

in Mumbai, on 27<sup>th</sup> May 2009, with Entry Clearance as a Tier 4 General Student, valid for entry to the UK between 2<sup>nd</sup> June 2009 and 27<sup>th</sup> December 2010, on condition that recourse to public funds was prohibited, able to work except as a doctor or dentist in training.

The exact date of [REDACTED] entry to the UK is not known.

On 4<sup>th</sup> September 2013, [REDACTED] was encountered working during an immigration enforcement visit to Chidham Stores, Havant.

On the same day, [REDACTED] was served with form IS151a, Notice to a Person Liable to Removal from the United Kingdom under the Immigration Act 1971, as amended, as an overstayer and detained at Haslar Immigration Removal Centre.

On 17<sup>th</sup> September 2013, [REDACTED] was released from detention and served with form IS96, Notification of Temporary Admission to a Person who is Liable to be Detained under the Immigration Act 1971, as amended, with no permission to work and with reporting restrictions to Southsea Police Station.

On 17<sup>th</sup> November 2013, [REDACTED] presented himself to Croydon Police Station stating he was an immigration overstayer. As previously advised by the Home Office following his request to return home, [REDACTED] was advised by Police to apply for a Travel Document at the Indian embassy.

On 18<sup>th</sup> November 2013, [REDACTED] was served with a new form IS96, with reporting restrictions to Croydon Enforcement Unit.

Signature: [REDACTED] ...

Signature witnessed by: [REDACTED]

PRINT NAME: [REDACTED]

## Witness Statement

(C.J.Act, 1967, s.9; MC Act 1980, ss.5A (3)(a) and 5B; Criminal Procedure Rules 2005, Rule 37.1)

**Statement of: CATHERINE WARNER**

There is no trace on Home Office records that [REDACTED] reported as required.

There is no trace on Home Office records of any further applications having been made by or on behalf of [REDACTED] for Leave to Remain in the UK.

[REDACTED] has had no valid Leave to Remain in the UK or permission to work since 28<sup>th</sup> December 2010.

To the best of my knowledge and belief this information is correct based on the Home Office records available to me at the time of writing.

[REDACTED] remains subject to control under the Immigration Act 1971, as amended, and as such is liable to deportation or administrative removal from the United Kingdom. [REDACTED]

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

PRINT NAME: [REDACTED]

**Trading Standards Service**

Southampton City Council  
Civic Centre  
Southampton SO14 7LY

Direct dial: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Please ask for: Lucas Marshall

Our ref: 16/00846/FOODST

Your ref:

15<sup>th</sup> November 2016

Licensing  
Southampton City Council  
PO Box 1767  
Southampton  
SO18 9LA



Dear Sir/Madam

**Licensing Act 2003**

Southampton City Council's Trading Standards Service write in support of Hampshire Constabulary's application for review of the Premises Licence for City Off-Licence, 2 Park Street, Southampton, SO16 4RJ, on the grounds that the Premises Licence Holder, Bhavitabehen Patel, has failed to support the Licensing Objectives to prevent crime and disorder, public safety and to protect children from harm.

The business which trades as City Off-Licence, 2 Park Street, is Krupa News Shirley Ltd, of which Mrs Bhavitabehen Patel and her husband Rajendrakumar Patel are the directors. The Registered Office for this company is 8 Park Street, Southampton, where the business also trades as City News, which until recently was a licensed premises.

On 30<sup>th</sup> June 2016, following a complaint received from another business, I visited City Off-Licence. The complaint concerned the sale of Polish beers below the cost of duty + vat, in breach of the mandatory condition on all Premises Licences that alcohol will not be sold below the cost of duty + vat. On that occasion I advised Rajendrakumar Patel, who identified himself as the owner of the business, regarding this condition, and that it was an offence under the Licensing Act 2003 to sell alcohol below duty + vat. The Karpackie, a strong beer of 9% ABV which attracts duty + vat of £1.28, was not priced, however Rajindrakumar stated that he sold it for £1.49 per can.

On 6<sup>th</sup> October I assisted the Police with a test purchase exercise. A can of Karpackie 9% beer and Perla Mocna 7.6% beer, were sold to Samantha Barrett, a Hampshire Constabulary employee, for only £2.19. The duty + vat liable on these products together would be £2.36. The sale for this low price, and breach of the condition, constitutes an offence under Section 136 of the Licensing Act 2003 for an unauthorised sale of alcohol. Both the condition and advice given by this Service regarding pricing had clearly been ignored. Furthermore the low price indicates that the beer is likely to be illegal duty evaded alcohol, which is supported in the statement of HMRC Officer David Fryer included in PC Boucouvalas's application. It is an offence under Section 144 of the Licensing Act to keep smuggled goods on a premises. For information a small quantity of counterfeit non UK duty paid cigarettes had been found by Trading Standards at City News in 2012 which was dealt with by way of warning letter.

On the evening of 6<sup>th</sup> October a test purchase of alcohol, a 4 pack of Fosters lager, was made by a 15 year old boy at City News, 8 Park Street, Southampton. This was sold by Chaldresh Patel, who was not permitted to work in the UK. Rajendrakumar Patel stated that Chaldresh was not paid to work at the shop and had not been trained regarding prevention of under age sales. Bhavitabehen

Patel has since signed a simple caution on behalf of Krupa News Shirley Ltd relating to this under age sale, an offence under Section 146(1) of the Licensing Act 2003, a copy of which is enclosed.

On 10<sup>th</sup> October a test purchase was made at City Off-Licence by Hampshire Constabulary to test the pricing condition. Karpackie beer was sold for only £1.20, again breaching this condition.

On 12<sup>th</sup> October 2016 I visited City Off-Licence. A member of staff, who identified himself as Janak Arvinbhaz Patel, was working at the counter. Rajindrakumar said that he did not know if Janak was permitted to work in the UK, that he had no details for him and did not pay him. Janak Patel confirmed that he was not permitted to work in the UK. Guidance issued by HM Home Office under Section 182 of the Licensing Act 2003 states; "There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter."

On 24<sup>th</sup> October 2016 PC Alex Boucouvalas and I interviewed Bhavitabahen Patel. During interview she stated that she worked at both City Off-Licence and City News, Park Street. Her responsibilities include ordering of alcohol. She said that she does not employ any staff, only she and her husband work at the premises. She stated that Chaldresh Patel had only worked for her for 2 days, and that he was not paid. Regarding sale of alcohol below duty + vat she said that she was unaware of the condition banning this practice. She claimed to have reduced the price of Karpackie from £1.49 to £1.19 per can 3-4 weeks ago due to competition with shops on the High Street. She said that her husband Rajendrakumar Patel, manages both of their shops. Mrs Patel made 'no comment' responses to questions asked regarding employment of persons who were not permitted to work in the UK.

Southampton City Council Trading Standards Service are in agreement with Hampshire Constabulary, that those involved in the operation of City Off-Licence are unable to operate the business lawfully and responsibly. The premises is unwilling to comply with mandatory conditions and I have no reason to believe that the addition of conditions at the premises would improve compliance. Repeat advice, instruction and warnings have been ineffective in improving compliance. For the above reasons I would regard revocation of the premises licence as appropriate.

Yours faithfully



Lucas Marshall  
**Trading Standards Officer**

Cc Police Licensing Unit, Civic Centre, Southampton, SO14 7LY  
Cc Bhavitabahen Patel, 2 Park Street, Southampton, SO16 4RJ

# Caution

**OUR CASE REFERENCE:** 16/00848/FOODST

**CRW CASE REFERENCE:**

**COMPANY NAME:** Krupa News Shirley Ltd

**COMPANY REGISTERED ADDRESS:** 8 Park Street, Southampton, SO16 4RJ

**COMPANY REGISTERED NUMBER** 07911188

**DATE OF OFFENCE:** 6<sup>th</sup> October 2016

**PLACE OF OFFENCE:** City News, 8 Park Street, Southampton, SO16 4RJ

**BRIEF CIRCUMSTANCES OF OFFENCE:-**

Did, on 6<sup>th</sup> October 2016, at City News, 8 Park Street, Southampton SO16 4RJ, sell alcohol to a person under the age of 18 years, namely of the age of 15 years, contrary to Section 146(1) of the Licensing Act 2003.

**LEGISLATION**

Section 146(1) Licensing Act 2003

**Please read the declaration below and make sure you understand it before you sign.**

1. The company admits to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on any national convictions databases.
2. If new evidence comes to light suggesting that the offence(s) the company has committed are more serious, you might still take legal action against the company.
3. If there are any victims as a result of these offences, they might still take civil action against the company and you might give the name and address of the company's registered office to the victims so they can do this.
4. If the company is charged with another offence and we go to court, you will tell the court that the company has received this simple caution. It will not be cited in court after the expiry of three years from the date of your signature.
5. If the company applies for certain licences connected with the business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision whether to issue any licence.
6. I also understand that in some circumstances the company may be under a duty to disclose the existence of this Caution.



I hereby declare that I

am authorised by the company to admit the offence(s) described above and agree to accept a Caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should the Company be found to be infringing the law in the future. I further understand that this Caution may be cited should the Company subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances the company may be under a duty to disclose the existence of this Caution.

NAME (Block capitals) MIKE RICHARD BAKER RAYNES

SIGNED 

POSITION WITH THE COMPANY Director

DATED THIS 01 DAY of 11 2016

AFTER A SIGNATURE HAS BEEN ADDED ABOVE, AN OFFICER OF SOUTHAMPTON CITY COUNCIL WILL COUNTERSIGN AND RETURN A COPY.

NAME (Block capitals) 

SIGNED: 

DESIGNATION: \_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY of \_\_\_\_\_ 20\_\_\_\_

Southampton City Council  
Southampton Multi Agency Safeguarding Hub (MASH)  
Lower Ground Floor  
North Block  
Civic Centre  
Southampton  
SO14 7LY



Direct dial: [REDACTED]  
Our ref: MO/CP/081216  
Please ask for: Catherine Parkin

Fax:  
Date: 19 December 2016

Southampton Licensing  
By email to: [REDACTED]

Dear Sirs

**Re: Review of the Premises Licence of City Off-License, 2 Park Street, Southampton.**

Children's Services, Southampton City Council are writing in support of Hampshire Constabulary's application to review the above premises license, particularly in relation to the licensing objective of 'the protection of children from harm', as set out in the Licensing Act 2003.

It is noted that many of the concerns raised by Hampshire Constabulary relate to a separate premises from the above, i.e. City News, Park Street, Southampton, however we would agree with Hampshire Constabulary's assertion that the premises are inextricably linked due to being operated by the same license holders, and therefore the various concerns raised about one premises could easily apply to the other.

Children's Services are particularly concerned about the following:


1. Staff at City News sold 4 cans of Foster's lager to a 15 year old during a test purchase. This is concerning due to the possibility of children having access to alcohol, which could lead, in certain circumstances, to severe health issues, addiction, anti-social behaviour and possible exploitation
2. The refusals log at City News was not kept up-to-date, or no refusals were made. Also, no challenge 25 posters were displayed and staff did not have knowledge of this policy and there was no record of any training being provided. This is particularly concerning and shows a clear disregard in relation to the licensing objective of the protection of children from harm. It is noted that this was only witnessed at City News, however as the premises are operated by the same person, it is believed the same practice could be operated at City Off-License.
3. Despite requests from police and licensing staff, drug paraphernalia has been on display in both premises. Although not illegal, the active promotion of drugs, in particular cannabis is a significant concern due to the effects this can have on health and mental wellbeing. There are also possible connotations in relation to domestic violence, and the additional risks this could pose to children.
4. Both premises had staff members who were illegally working in the UK, and who spoke very little English. We believe this to be of concern as the license holder would not have undertaken relevant

employment checks which could lead to the public being put at risk. The staff members would potentially also not be able to understand their responsibilities under the Licensing Act 2003.

It is also noted that there were concerns regarding the CCTV at City News, the sale of high-strength lager that did not have appropriate tax added to the cost, and concerns around stolen alcohol being sold at the premises, however Children's Services do not have any comment regarding these matters.

We would agree with Hampshire Constabulary's recommendation that, given the serious nature of the concerns raised and breaches of the Licensing Act 2003, that the license for City Off-License should be revoked.

**Yours sincerely**



**Catherine Parkin**  
**Service Manager**  
**MASH, EDT, CP Team and CSE Hub**

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

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