

Reference: 2012/02642/01SPRN

Hearing:

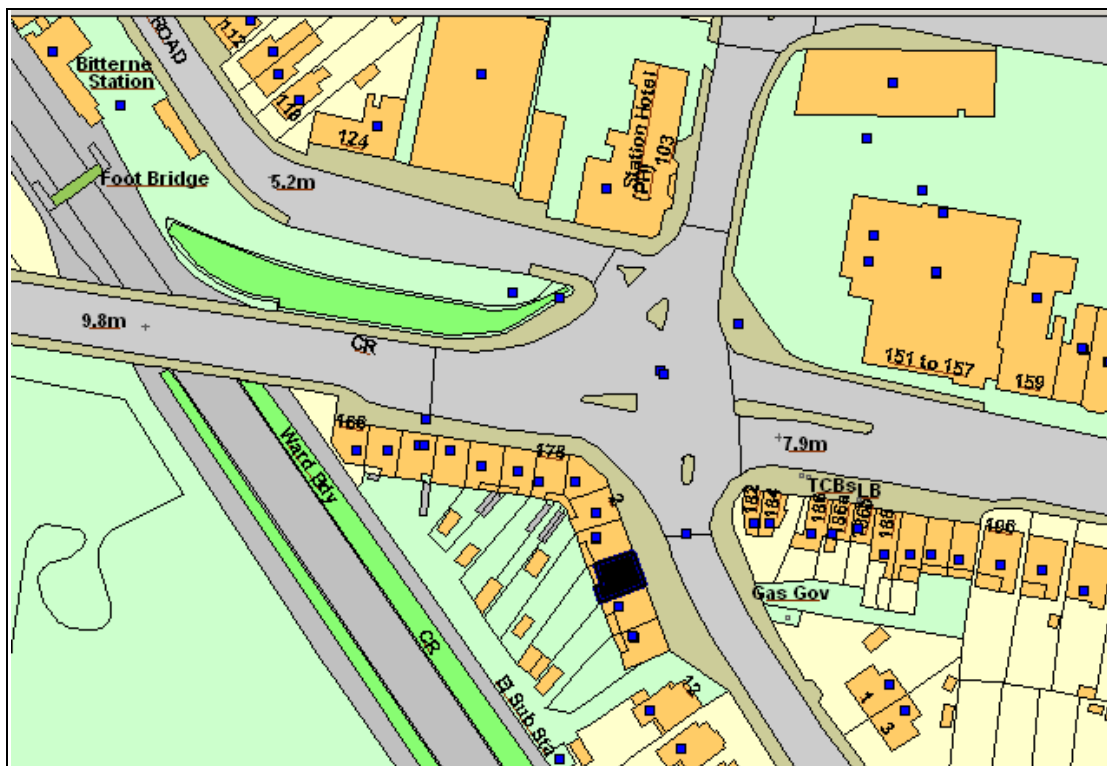
14th February 2013

Application for Premises Licence

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

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

Application Valid Date: 28th December 2012



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Representation From Responsible Authorities

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

Other Representations

Name	Address	Contributor Type
None		

Legal Implications

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

The committee must also have regard to:-

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

Southampton City Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

RECEIVED
7 8 DEC 2012

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

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

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

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <p style="text-align: center; margin: 0;">PREMIER 6 ATHEESTAN ROAD SOUTHAMPTON</p>		
Post town	Post code	SO19 4DD
Telephone number at premises (if any)	02380 63 53 27	
Non-domestic rateable value of premises	£ 3,850/00	

Part 2 - Applicant Details

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

- | | |
|--|--|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="padding-left: 20px;">i. as a limited company</p> <p style="padding-left: 20px;">ii. as a partnership</p> <p style="padding-left: 20px;">iii. as an unincorporated association or</p> <p style="padding-left: 20px;">iv. other (for example a statutory corporation)</p> <p>c) a recognised club</p> | <p><input checked="" type="checkbox"/> please complete section (A)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> |
|--|--|

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

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

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	
1	9	0	1	2	0
				1	3

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

Day		Month		Year	

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

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

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

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

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

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

J

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

K

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

L

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

M

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

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

Name
Address
Postcode

N

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

O

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

ANNEX 'P A'

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

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

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

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

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

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

ANNEX 'P C'

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

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

PROPOSED OPERATING SCHEDULE

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

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

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

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

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

b) The prevention of crime and disorder

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

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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

- I have made or enclosed payment of the fee Please tick yes
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	20.12.2012
Capacity	APPLICANT'S SOLICITORS.

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

Signature	
Date	/
Capacity	

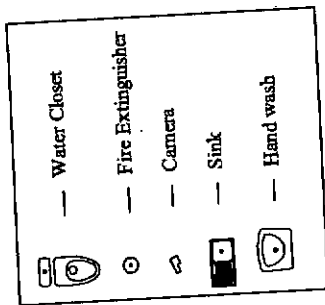
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

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

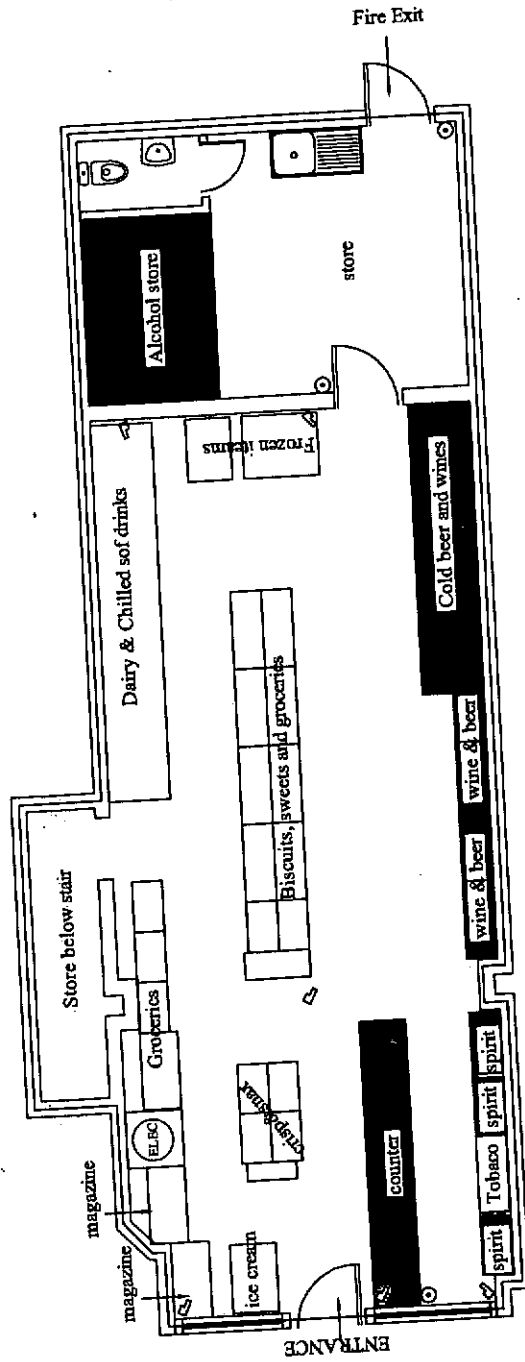
Post town	Croydon	Post code	CR0 3PA
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			



LOCATION MAP



LEGAND



GROUND FLOOR PLAN

	THALAM DESIGNERS	TITLE: 6 ATHELSTAN ROAD, SO19 4DD	Design by: B.SABULAL	Dwg.no: TLM/NES/01	Date:- 18/12/2012
			Scale:- 1:100		



HAMPSHIRE CONSTABULARY

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

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

Hampshire Constabulary wish to make a representation(s) regarding the grant or variation of a Premises Licence or Club Premises Certificate issued under the Licensing Act 2003.

These representations must be made within 28 days

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

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

Police Details

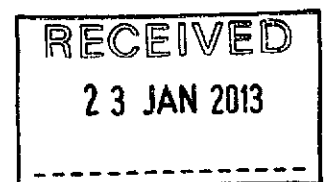
Hampshire Constabulary is a responsible authority.

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

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

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

Please select one or more boxes





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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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quiz' and 'refresher training quiz 1'. When asked, Mr Sithampananathar could not provide the quiz that he had used to train his staff.

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

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

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

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

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

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



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

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

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

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

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

Proposed expanded operating schedule -

CCTV

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

CCTV warning signs to be fitted in public places.

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

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

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

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

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences



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

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

Incident book

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

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

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

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

Refusals book

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

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

The record of refusals will be retained for 12 months.

Challenge 25

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



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

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

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

5) Training-

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

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

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

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

Storage

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

Sales of alcohol

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

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



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

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

Part 3 – Signatures *(please read guidance note 3)*

Recommendation of Police Officer

A Premises Licence should not be granted.

Signature of Police Officer Completing

Signature:

Date: 18/1/13

Recommendation of Police Sergeant

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

Signature of Police Sergeant

Signature:

Date: 21/01/13

Decision of Police Licensing Inspector



HAMPSHIRE CONSTABULARY

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

Objection approved.

Signature of Police Licensing Inspector

Signature:

Insp 1399 McGeorge

Date:

24/01/2013

NOTES FOR GUIDANCE

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



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

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

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

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

Premises or Club Premises details

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

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

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

Details of responsible authority applicant

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

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



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

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

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

Select one or more boxes

-
-
-
-

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

If yes please state the date of that application:

/ /
Day Month Year

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

APPLICATION MADE BY TRADING STANDARDS MARCH 2011

Please tick

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

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

Signature of Officer Completing

Name PC Bethan WOOD

Collar Number: 24191

Signature: _____

Date: 13th February 2012

Signature of Authorising Officer (Inspector or above)

Name _____

Collar Number: _____

Signature: _____

Date: _____

Annex B

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

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

Direct dial: 023 8083 3002

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

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

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



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

Tuesday, 27 March 2012

Dear Sir,

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

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

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

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

Yours faithfully,

for Head of Legal & Democratic Services

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

Switchboard: 023 8022 3855,

DX: 115710 SOUTHAMPTON 17

www.southampton.gov.uk/licensing/licensing

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

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

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

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

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

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

DECISION

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

REASONS

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

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

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

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

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

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

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

Working Sheet

Hampshire Constabulary

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

Occurrence: 44090025965 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 24/09/2012 12:24

Entered by: #24191 WOOD, B.

Entered time: 24/09/2012 12:24

Remarks: Licence Revocation Upheld in Court

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

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

24191



Schedule 12
Part A
Premises Licence

Regulation 33,34

Premises licence number 2011/00014/01SRAP

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description,
London Off Licence 2
27 St. Catherines Road
Southampton
SO18 1LL

Telephone number 023 8067 2039

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities
Supply by retail of alcohol
Monday 08:00 - 23:00
Tuesday 08:00 - 23:00
Wednesday 08:00 - 23:00
Thursday 08:00 - 23:00
Friday 08:00 - 23:00
Saturday 08:00 - 23:00
Sunday 10:00 - 22:30

The opening hours of the premises
Monday 08:00 - 23:20
Tuesday 08:00 - 23:20
Wednesday 08:00 - 23:20
Thursday 08:00 - 23:20
Friday 08:00 - 23:20
Saturday 08:00 - 23:20
Sunday 10:00 - 22:50

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

Alcohol is supplied for consumption off the premises

Part 2

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

Imam Ekinci

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

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

Ozgur Ekinci

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

Licence Num
Licensing Aut

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

Dated this 30th day of March 2011

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

Solicitor to the Council

Annex 1 – Mandatory Conditions

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

1 EMBEDDED CONDITIONS FROM CHILDREN AND YOUNG PERSONS ACT 1933

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

2 EMBEDDED CONDITIONS FROM THE LICENSING ACT 1964

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

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

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

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

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

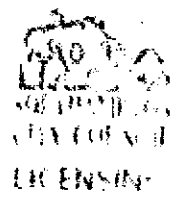
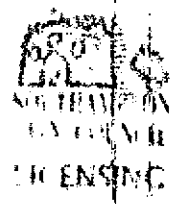
All staff who sell alcohol will be trained to NCPLH (National Certificate of Personal Licence Holder) level. All sales of alcohol must be directly supervised and authorised by a Personal Licence Holder until such staff have achieved training to NCPLH level.

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

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

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

CITY OF BRIGHTON
LICENSING





Schedule 12
Part A
Premises Licence

Regulation 33,34

Premises licence number 2012/01617/01SPRD

Part 1 – Premises details

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

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

Telephone number 023 8178 3959

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities

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

The opening hours of the premises

Monday	08:00 - 23:20
Tuesday	08:00 - 23:20
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Sunday	10:00 - 22:50

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

Part 2

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

Sithamparanathar Perinpamoorthy

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

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

Sithamparanathar Perinnamoorthy

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

Licence Number:
Licensing Authority:

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

Dated this 16th day of August 2012

Head of Legal, HR & Democratic Services

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

Annex 1 – Mandatory Conditions

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

Annex 2 – Conditions consistent with the operating Schedule

1 EMBEDDED CONDITIONS FROM CHILDREN AND YOUNG PERSONS ACT 1933

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

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The above restrictions do not prohibit:

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

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

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

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

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

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

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

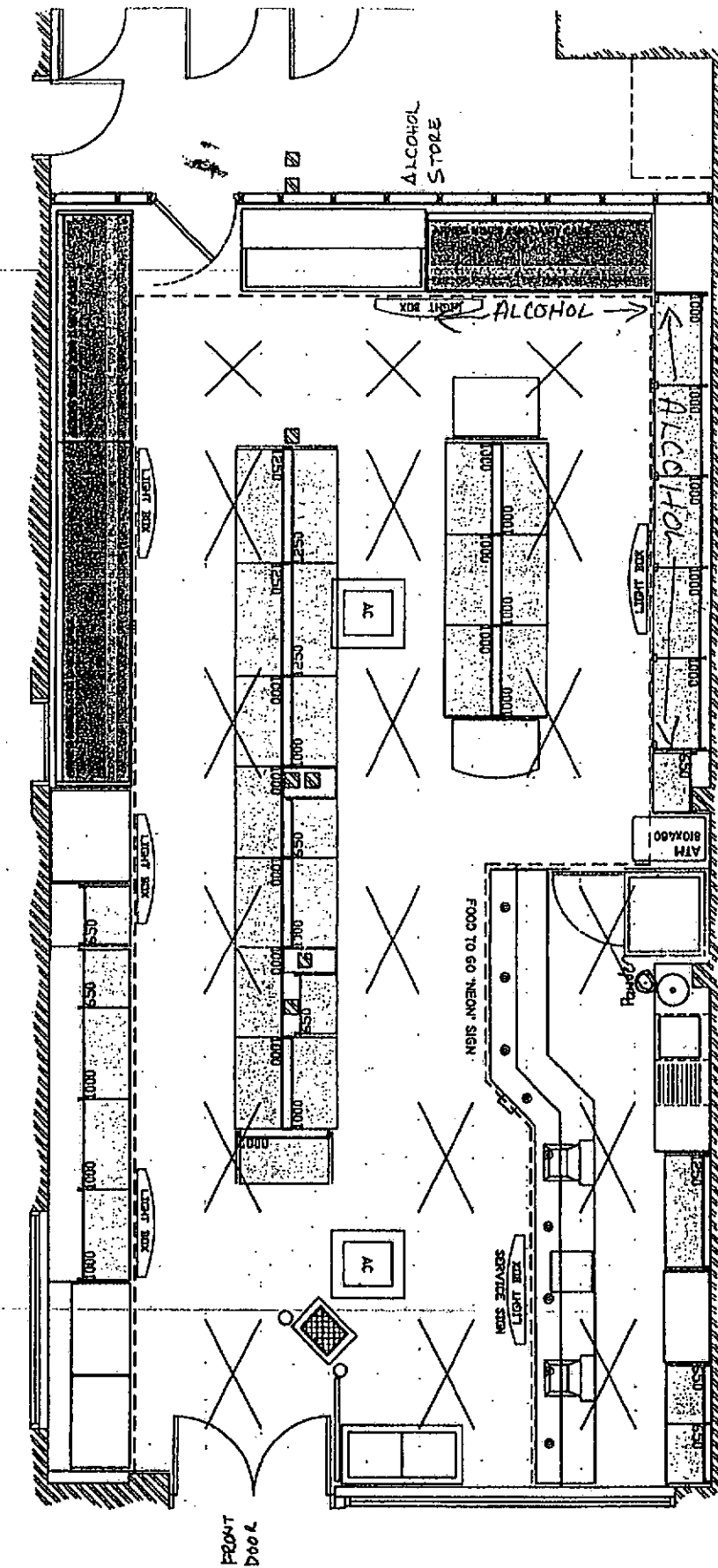
5. The holder of the premises licence shall keep a written record, namely a refusals book, of those incidents where a person who a member of staff believes to be under the age of 18 and is unable to produce acceptable means of identification proving that they are of 18 years or more, attempts to purchase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

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

ALCOHOL
LICENSING
AUTHORITY

ALCOHOL
LICENSING
AUTHORITY

Annex 4 - Plans



SCALE 1:100.

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

PAVEMENT TO ST. CATHERINES RD.

Plan not reproduced to scale.

Working Sheet

Hampshire Constabulary

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

Occurrence: 44100017866 Z Prem Licence (Management Occurrence)

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

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

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

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

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

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

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

PC 24288 HARRIS

Annex 9.

Working Sheet

Hampshire Constabulary

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

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

Author: #24288 HARRIS, J.

Report time: 29/10/2012 12:07

Entered by: #24288 HARRIS, J.

Entered time: 29/10/2012 12:07

Remarks: DPS called 25/10/12

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

24288 Harris



Hampshire Constabulary
Chief Constable Alex Marshall

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

Police Licensing Unit

Southampton Central Police Station
Southern Road
Southampton
Hampshire
SO15 1AN

Our ref: 44100017866

Your ref:

Telephone: 0845 045 45 45

Direct dial: 023 8067 4768

Fax No: 0845660037

Deaf/speech impaired minicom: 01962 875000

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

15th August 2012

Dear Sir,

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

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

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

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

Yours faithfully

Violent Crime Reduction & Licensing Team
Southampton Central Police Station



Hampshire Constabulary
Chief Constable Alex Marshall

Meeting at London Off Licence 10th August 2012

Persons present during the meeting-

PC 24288 Harris & Mr Sithamparanathar

General Licensing Advice:

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

CCTV

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

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

Training

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

Responsible service of alcohol – a servers guide (free)

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

Service Excellence Passport (£2.50 each)

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

Flow, Licensing & social responsibility (£36.00)

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



Hampshire Constabulary
Chief Constable Alex Marshall

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

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

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

... ..
Anex J.

Occurrence summary


Hampshire Constabulary

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

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

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

Clearance status: Filed

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

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

Involved vehicle(s):

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

Flag(s):

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

Remarks:

WITNESS STATEMENT

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

URN: | | |

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

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

24/06/2012

Signature:

PC LOUISE CARTER

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

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

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

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

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

I had no further dealings with this licensed premises.

Signed:

PC LOUISE CARTER

Signature witnessed by:



HAMPSHIRE CONSTABULARY

MG11T

Page 2 of 3

WITNESS STATEMENT

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

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

Signed :

PC LOUISE CARTER

20916.

Signature witnessed by :

2006/07(1)

44120241941/2984

WITNESS STATEMENT

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

URN

Statement of: PCSO 14408 Gary STAMP

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

Occupation: Police Community Support Officer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I would describe _____

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

Signature

Signature witnessed by:

[REDACTED]

[REDACTED]

[REDACTED]



WITNESS STATEMENT

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

URN

Statement of: 95717 J WELDON

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

Occupation: Police Officer

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

Signature: _____

..... (witness) Date: 08/12/2012

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

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

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

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

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

I have had no previous dealings with _____

Signature

Signature witnessed by:

[Redacted signature line]

[Redacted signature line]



PROPOSED OPERATING SCHEDULE

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

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

Working Sheet

Hampshire Constabulary

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

Occurrence: 44100017866 Z Prem Licence (Management Occurrence)

Author:	#22237 CONWAY, S.	Report time:	17/01/2013 10:52
Entered by:	#22237 CONWAY, S.	Entered time:	17/01/2013 10:52
Remarks:	Meeting 09/01/13		

Meeting – London Off Licence 09/01/13.People present – Mr Sithamparanathar (DPS), PC Conway, PC Harris

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

Conditions check

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

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

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

Refusals book

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

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

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

Challenge 25

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

Training

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

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

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

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

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

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

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

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

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

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

WITNESS STATEMENT

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

Statement of: PC LOUISE CARTER	URN <input style="width: 80%;" type="text"/>
Age if under 18: Over 18 (if over 18 insert 'over 18')	Occupation: Constable 20916
<p>This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.</p>	
<p>Signature:..... (witness) Date: 17/01/2013</p> <p style="text-align: center;">PC LOUISE CARTER</p>	

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

Signed: _____

Signature witnessed by: _____

PC LOUISE CARTER

44120476312/2984

P47

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

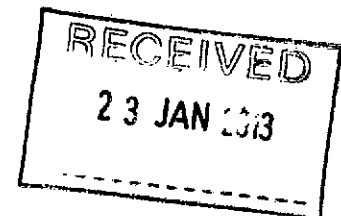


Direct dial:
Fax:
Email:

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

23rd January 2013

Licensing
Southampton City Council
PO Box 1767
Southampton
SO18 9LA



Dear Sir/Madam

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

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

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

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

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

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

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

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

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

Yours sincerely

Lucas Marshall
Trading Standards Officer

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

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