

Reference: 2013/00691/01SRAP

Hearing:

9th May 2013

Application for Review of Premises Licence

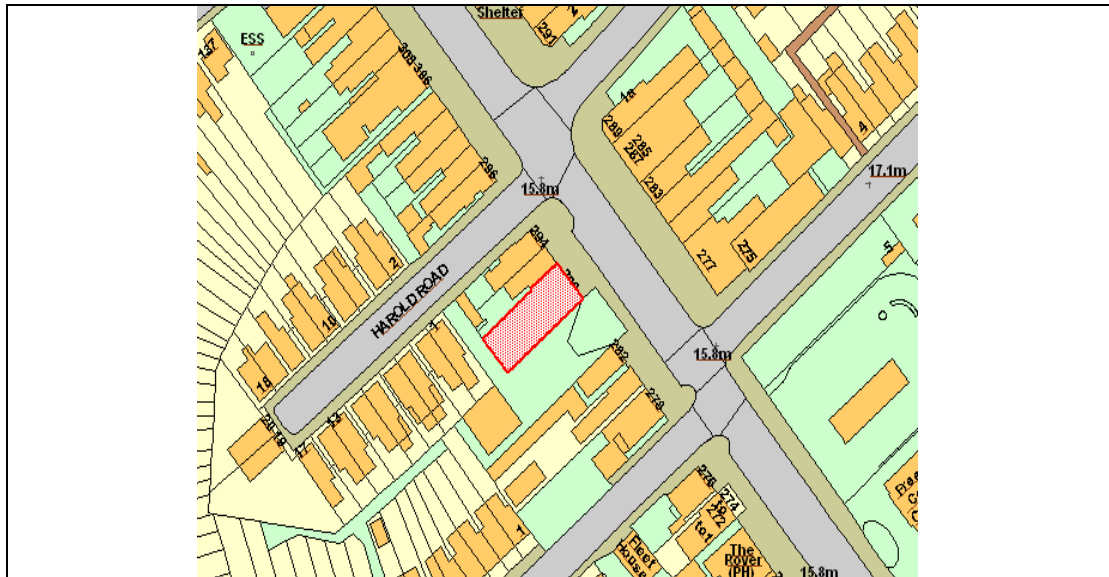
Premises Name: Bargain Booze (Quick Trip)

Application Date: 21st March 2013

Premises Address: 290 Shirley Road
Freemantle
Southampton
SO15 3TR

Application Received Date: 21st March 2013

Application Valid Date: 21st March 2013



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	Yes	
Hampshire Fire And Rescue - Licensing	Yes	

Environmental Health - Licensing	Yes	
Planning & Sustainability - Building Control - Licensing	No response received	
Primary Care Trust - Public Health Manager	Yes	
Planning & Sustainability - Development Control - Licensing	No response received	
Police - Licensing	No response received	
Trading Standards - Licensing	No	Representation in support of Review Application

Other Representations

Name	Address	Contributor Type
None	-	-

Legal Implications

1. Part 3 of the Licensing Act 2003 provides that a responsible authority of a resident or business in the vicinity (interested party) may apply for review of a premises licence.
2. The grounds of review applications must relate to one or more of the licensing objectives.
3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.
4. On receipt of the application for review, the officers will consider its validity, under delegated powers. Reasons for rejection, in whole or in part, include:
 - that the grounds for review are not relevant to one or more of the licensing objectives and;
 - (in the case of an application not made by a responsible authority), that the application is frivolous, vexatious or repetitious.
5. The City Council must, within one day of receiving the application for review, display a prescribed notice of the review application on the outside or adjacent the premises; the notice must remain on display for 28 days and any interested party in the vicinity

6. Unless the applicant, licence holder, interested parties and responsible authorities agree that a hearing is unnecessary, the City Council is then required to hold a hearing to consider the review.
7. The sub-committee, in considering the application for review, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
8. The Licensing Act 2003 provides that, in determining an application for review, the sub-committee may take any (or none) of the following steps, as it considers necessary:
 - modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
9. The Licensing Act 2003 makes provision for appeal to the Southampton Magistrates' Court against the sub-committee's decision in relation to an application for review.
10. In considering this application the sub-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 sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
11. Copies of the application for review and the Police objection are annexed to this report.
12. The sub-committee must also have regard to:-
13. *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.
14. *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 matters set out in this report must be considered in light of the above obligations.



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

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

I Sharon Conway, on behalf of the Chief Officer of Hampshire Constabulary, (Insert name of applicant)

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



Premises or Club Premises details

Table with 2 columns: Field (Postal address of premises, Postcode) and Value (Bargain Booze 290 Shirley Road Southampton, SO15 3HL)

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

Number of premises licence or club premises certificate (if known) 2005/00757/01SPRC

Details of responsible authority applicant

Form with fields for title (Mr, Mrs, Miss, Ms, Other title / Rank: PC), Surname: CONWAY, First Names: SHARON, Current postal address, Postcode: SO15 1AN, Daytime telephone number: 02380 674768, E-mail address: western.licensing@hampshire.pnn.police.uk

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



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

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

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

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

On behalf of the Chief Officer of Police I am writing to request review of the above Premises Licence. The review is requested on the following grounds:

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

Hampshire Constabulary make this request based on two failed test purchase operations at the premises and a need to ensure that the licensing objectives are better supported and that safeguarding is in place to prevent any additional sales of alcohol to children.

Since February 2012, Hampshire Police Licensing Team have worked with management at Bargain Booze. During a joint visit with Southampton City Council, issues were highlighted that the management had little understanding about the Licensing Act 2003, and the responsibilities that the position of DPS held.

The premises was visited again in July 2012. A Challenge 25 age verification policy had been put in place. A refusals book was now in place and being used.

Although steps had been taken to improve the operating practices, these practices have lapsed over time. This has contributed towards the two failed test purchase operations. Police conducted a test purchase operation on Friday 28th December 2012. A member of staff sold the 17 year old test purchaser a bottle of wine.

The Designated Premises Supervisor (DPS) Mr Shoib ALI, was spoken to on 24th January 2013. Mr ALI confirmed that there was no formal training package in place. Training was verbal, and covered the challenge policy, preventing sales to children and preventing proxy sales.





[REDACTED]

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

failed test purchase. (Annex C)

Advice was provided for all staff to be trained in the prevention of sale of alcohol to children and refusals of sales to drunk people. Advice was also given about the benefits of any training to be from a formal package, with records maintained of training provided, with regular refresher training at six monthly intervals. (Annex C)

Police conducted a second test purchase operation on Friday 8th February 2013. A member of staff sold a 17 year old test purchaser two bottles of cider. The test purchaser was in the company of another 17 year old test purchaser. The member of staff made no request for identification in order to verify age. A PND was issued, which has been paid. (Annex B)

A meeting was held with the DPS and premises licence holder. Further reminders and prompts have been put in place to remind staff of the age verification policy in place. The lack of due diligence training has been addressed, with a more formal training package in the process of being implemented. CCTV, a useful tool in preventing crime and disorder, could not be viewed, as the DPS was not able to retrieve the footage.

Due to the serious undermining of the licensing objectives to prevent crime and disorder and protect children from harm, Hampshire Constabulary are taking formal action with respect to S147A Licensing Act 2003, persistently selling alcohol to children. The premises licence holder, Ms Sundur Saleem, has been reported for prosecution, with the option of a closure notice under S169A Licensing Act 2003 being offered to the premises. (Annex D)

Although operating standards were improved in order to support the licensing objectives in early part of 2012, these standards have not been maintained. Two separate members of staff have failed police test purchase operations within 3 months, a serious undermining of the licensing objectives to prevent crime and disorder and protect children from harm. Clear direction needs to be provided to the management, so that the steps they have taken due to police action are maintained. Hampshire Constabulary feel that conditions being placed on the licence are necessary and proportionate to support the licensing objectives and prevent further sales of alcohol to children under 18 years.

The conditions proposed by Hampshire Constabulary are:

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 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.



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under the Licensing Act 2003**

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

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

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.

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

Training

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

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

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

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

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.



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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.

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

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

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

The premises will have an 'EPOS' till system, which will prompt to ask for identification all age restricted items. If a refusal is made, a slip will be produced to allow staff to record the details of the person they have refused. All staff are to have their own identification on the system.

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

If yes please state the date of that application:

 / /
Day Month Year

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

Please tick

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

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





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

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 Sharon Conway Collar Number: 22237
Signature: [Redacted] Date: 21/3/13

Signature of Authorising Officer (Inspector or above)

Name JOHN MCGONIGLE Collar Number: 1399
Signature: [Redacted] Date: 21/03/13



Occurrence summary

Hampshire Constabulary

Printed: 18/03/2013 14:48 by 22237

Occurrence: **44120500026 Other crime @28/12/2012 22:35**

Date/Time: between.... 28/12/2012 19:30 and 28/12/2012 19:40

Clearance status: Filed

Involved person(s): 1) [Fixed penalty; Subject] SALEEM, IFTIKHAR 10/05/1965 (47) M [REDACTED]

2) [Aggrieved] STATE, THE (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 #:

Involved address(es): 1) [Occurrence address] 290 SHIRLEY ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO15 3HL (BARGAIN BOOZE) (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SY SHIRLEY SOUTH, Beat: 1SY01 REGENTS PARK & FREEMANTLE)

Involved vehicle(s):

- Involved officer(s): 1) #25323 BOUCOUVALAS, A. (Detecting officer; Officer in case; Reporting officer)
- 2) #12370 VANDERPLANK, A. (Call taker)
- 3) #22237 CONWAY, S. (Attending officer)
- 4) #25532 WILLIAMS, R. (Assisting officer)

Flag(s):

Summary: During a test purchase operation, a member of staff served alcohol to a person under the age of 18.

Remarks:

[Redacted] (when complete)

MG11

WITNESS STATEMENT

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

Statement of: PC ALEX BOUCOUVALAS URN
Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: POLICE CONSTABLE

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

Signature: (witness) Date: 28/12/12

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

I am PC 25323 BOUCOUVALAS of Hampshire Constabulary currently stationed at SHIRLEY POLICE STATION.

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

These are as follows:

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

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

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

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

On 28/12/12 from 1830 hours I participated in a test purchase operation with two test purchasers. Test purchaser one was a female aged 17 years old, and test purchaser two was a female aged 16 years old.

Signature: Signature witnessed by:

2010/11

[Redacted] (when complete)

I was in plain clothes together with PC 25532 WILLIAMS. Our role in the operation was to monitor the test purchasers at all times, ensure their safety and give evidence in relation to any offences committed. PC 22237 CONWAY was in a uniformed role to deal with any offences committed by the premises.

At approximately 1930 hrs I attended BARGAIN BOOZE, 290 SHIRLEY ROAD. I entered the premises and began browsing the store. The store was almost empty except our presence. The store was well lit. There was a male cashier present behind the till and another employee restocking the shelves.

I then saw test purchaser 1 and test purchaser 2 enter the store and approach the alcohol fridges and select a bottle of wine. I positioned myself approximately 2 metres away, close to the alcohol fridges. I could clearly hear and see both of the test purchasers who both approached the checkout. Test purchaser 1 presented a bottle of 'Signature Reserve Chardonnay' white wine to the cashier. The cashier, who was an asian male, who appeared to be in his 40s, with black hair asked the test purchasers for identification (or did not ask for identification). In my presence and hearing, test purchaser 1 handed over the money for the wine after the cashier said "THAT'S FOUR POUNDS FIFTY PLEASE". The cashier then bagged up the wine.

Together with PC 25532 WILLIAMS, Test purchasers 1 and 2 exited the store whilst I remained in the store monitoring the cashier.

PC 22237 CONWAY, who was in full police uniform entered the venue after approximately 10 minutes. I pointed out the cashier that had served the test purchasers the alcohol. PC 22237 CONWAY asked informed the male that a sale of alcohol had been made to someone under the age of 18. The cashier then escorted PC CONWAY and I to the rear of the store. PC CONWAY issued a fixed penalty notice to the cashier who I now know to be Iftikhar SALEEM after he produced ID. SALEEM was reported for the offence of selling alcohol to a person under the age of 18 by PC CONWAY. I then left the premises with the seized alcohol from the test purchasers and I produce it as AB-ALCOHOL-01.

Signature: Signature witnessed by:

2010/11

[redacted] (when complete)

WITNESS STATEMENT

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

Statement of: Sharon Conway URN
Age if under 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: 18/3/13

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

I am PC 22237 Sharon Conway of Hampshire Constabulary currently stationed at Southampton Central Police Station.

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

These are as follows:

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

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

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

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

On 28th December 212 from 1800hrs I participated in a test purchase operation with two test purchasers. Test purchaser one was a female aged 17 years old, and test purchaser two was a female aged 16 years old.

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

The operation involved three plain clothes officers, PC 25323 Boucouvalas, PS 2117 Wood, and PC 25532 Williams. Their role in the operation was to monitor the test purchaser at all times, ensure their safety and give evidence in relation to any offences committed. My role was to ensure the safety of the test purchaser and to deal with any offences committed by the premises.

At approximately 1940hrs I attended Bargain Booze, Shirley Road, Southampton. I was advised by PC Boucouvalas that a sale had been made at the premises. On attending, PC Boucouvalas identified the staff member who had authorised the sale, explaining that the male member of staff had sold a bottle of wine, making no request for identification to confirm the age of either test purchaser.

I spoke with the male member of staff who gave their details as Iftikhar SALEEM, DOB 10/05/65.

At 1945hrs I reported SALEEM for the offence of selling alcohol to someone under the age of 18 contrary to S146(1) and (7) of The Licensing Act 2003. SALEEM was cautioned to which he made no reply. SALEEM was issued with a fixed penalty notice in relation to the offence, the reference for which is 2025089-4.

Signature:

..... Signature witnessed by:

Signature: Signature witnessed by:

Occurrence summary

Hampshire Constabulary

Printed: 18/03/2013 14:45 by 22237

Occurrence: **44130051147 Other crime @08/02/2013 23:30**

Date/Time: between.... 08/02/2013 21:50 and 08/02/2013 21:55

Clearance status: Filed

Involved person(s): 1) [Fixed penalty; Subject] ALI, ZAIN MOHAMMED 30/05/1966 (46) M



Involved address(es): 1) [Occurrence address] 290 SHIRLEY ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO15 3HL (BARGAIN BOOZE) (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SY SHIRLEY SOUTH, Beat: 1SY01 REGENTS PARK & FREEMANTLE)

Involved vehicle(s):

Involved officer(s): 1) #22237 CONWAY, S. (Detecting officer; Officer in case; Reporting officer)
2) #11750 SANDERS, S. (Call taker)

Flag(s):

Summary: Test purchase operation - Subject sold alcohol to male aged 17 years. No challenge was made to verify age

Remarks:

ED

WITNESS STATEMENT

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

Statement of: Christine Ann Plascott URN
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Sergeant

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: 15/03/13

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

I am PS 18 Christine Plascott of Hampshire Constabulary currently stationed at Southampton Central Police Station.

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

These are as follows:

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

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

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

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

On Friday 8th February 2013 from 1730 hours I participated in a test purchase operation with two test purchasers. Test purchaser one was a female aged 17 years old, and test purchaser two was

Signature: ... Signature witnessed by:

a male aged 17 years old.

I was in plain clothes together with PC 22237 CONWAY and PS 2117 WOOD. Our role in the operation was to monitor the test purchasers at all times, ensure their safety and give evidence in relation to any offences committed.

At approximately 2140 hours I attended an off-license premises called Bargain Booze, Shirley High Street, Southampton. I entered the premises and headed to the confectionary display which is situated to the right of the store as you enter. I browsed the shelves and noted that there was one male serving behind the counter which is situated next to the main entrance to the store.

I then saw test purchaser 1 and test purchaser 2 enter the store. They both approached the alcohol which was directly behind me. I saw Test purchaser 2 selected two bottles of cider from the display and both he and test purchaser 1 walked to the shop counter. I walked directly behind them and stood behind them at the till. I saw Test Purchaser 2 place the bottles on the counter and the male behind the counter served him. The male did not at any stage ask for test purchaser 2 to provide identification. When Test purchaser 2 had paid for the bottles of cider he turned and walked out of the store. I purchased an item and left the store a moment after.

At 2145 hours I returned to the store with Pc 22237 Conway and I was present when the male cashier who has served Test purchaser 2 was issued with a fixed penalty notice.

I had no further dealings.

Ps 18 Christine Plascott

Signature:

Signature witnessed by:

2010/11

[Redacted] (when complete)

WITNESS STATEMENT

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

Statement of: PC SHARON CONWAY	URN
Age if under 18: Over 18 <i>(if over 18 insert 'over 18')</i>	Occupation: Constable 22237
<p>This statement (consisting of <u>2</u> 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>	
Signature ...	(witness) Date: 09/02/2013
<p style="text-align: center;">PC SHARON CONWAY }.....</p>	

I am PC 22237 Sharon Conway of Hampshire Constabulary currently stationed at Southampton Central Police Station.

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

These are as follows:

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

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

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

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

On 8th February 2013 from 1800hrs I participated in a test purchase operation with two test purchasers. Test purchaser one was a male aged 17 years old, and test purchaser two was a female aged 17 years old.

The operation involved three plain clothes officers, PC 24191 Wood, PS 2117 Wood and PS 18 Plascott. Their role in the operation was to monitor the test purchaser at all times, ensure their safety and give evidence in relation to any offences committed. My role was to ensure

Signed: _____
PC SHARON CONWAY

Signature witnessed by: _____
44130051147/5025

WITNESS STATEMENT

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

Continuation of Statement of: PC SHARON CONWAY

the safety of the test purchaser and to deal with any offences committed by the premises.

At approximately 21:50hrs I attended Bargain Booze, Shirley Road, Southampton. I was advised by PS Plascott that a sale had been made at the premises. On attending, PS Plascott identified the staff member who had authorised the sale, explaining that the male member of bar staff had sold two bottles of cider, making no request for identification from either test purchaser.

I spoke with the male member of staff who gave their details as Zain ALI, DOB 30/05/66.

At 22:05hrs I reported ALI for the offence of selling alcohol to someone under the age of 18 contrary to S146(1) and (7) of The Licensing Act 2003. ALI was cautioned to which he made no reply. ALI was issued with a fixed penalty notice in relation to the offence, the reference for which is 2033827

Signed: _____

PC SHARON CONWAY

Signature witnessed by: _____

44130051147/5025



Annex C

Occurrence summary

Hampshire Constabulary

Printed: 18/03/2013 16:39 by 22237

Occurrence: **44100422031 Z Prem Licence (Management Occurrence)**

Date/Time: between.... and

Clearance status: Under investigation

Involved person(s): 1) [Licensing - DPS] ALI, SHOIB

2) [Licencing - premises license holder] SALEEM, SUNDUS

Involved address(es): 1) 290 SHIRLEY ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO15 3HL (BARGAIN BOOZE) (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SY SHIRLEY SOUTH, Beat: 1SY01 REGENTS PARK & FREEMANTLE)

Involved vehicle(s):

Involved officer(s):

Flag(s):

Summary: ***MASTER LICENSING RECORD Quick Trip (Bargain Booze) **** See reports tab page for copy of Premises Licence. Visits should be recorded on a working sheet the reports tab . All other incidents should be raised on a new occurrence and linked to master record

Remarks:



[REDACTED]

Working Sheet

Hampshire Constabulary

Printed: 18/03/2013 16:30 by 22237

Occurrence: **44100422031 Z Prem Licence (Management Occurrence)**

Author: #20920 PRIOR, N.

Report time: 29/02/2012 11:26

Entered by: #20920 PRIOR, N.

Entered time: 29/02/2012 11:26

Remarks: Joint Visit operation on 27/02/12

Premises visit on 27/02/12 as part of joint operation between Police, PC 20920 PRIOR and SCC licensing, John White, to visit all licensed premises in area

BARGAIN BOOZE, 290 Shirley Road

The shop assistant was asked if the manager or DPS was around, he said no. We asked about a refusal book and he said they had one and maybe it was out back but he didn't know we'd have to ask the manager who was there. I stated is the manager Sohیب Ali and he said "no that's me" and I pointed out that he was listed as the DPS and he explained he had taken the exam a long time ago. Clearly the DPS is not in day to day control of the business whatsoever. When Zain Ali arrived he explained that he was the husband of the premises licence holder and in charge. We asked about refusal book and staff training and he said they don't have either as it's family run and the local police know they are responsible so don't need to. We asked why the licence wasn't up on display and he wasn't sure. The DPS said that it used to be before they had a refit. Advised it is an offence not to display. They do not have an age verification policy so an example one was left by SCC John White, he also left them Challenge 25 posters but I am not entirely sure they understand the concept.

They are selling a drunk juice equivalent called 'Dragon Soop' for just £2.50 for 500ml can 8%. They also did not have an age verification policy. Challenge 25 poster left but I don't think they really got that.

Meeting to be arranged to discuss with DPS his responsibilities



C

Working Sheet

Hampshire Constabulary

Printed: 18/03/2013 16:30 by 22237

Occurrence: **44100422031 Z Prem Licence (Management Occurrence)**

Author: #20920 PRIOR, N.

Report time: 06/07/2012 21:14

Entered by: #20920 PRIOR, N.

Entered time: 06/07/2012 21:14

Remarks: Visit

Premises visited on the 6/07/12 at 2047 hours. Owner Zain Ali on site (his wife is PLH and his brother is DPS). I spoken to Mr Ali about his brother not realising he was DPS when he is supposed to be in 'day to day control' of the business. I stated that Mr Ali had to know the answers to the questions asked if he was going to remain on the licence, otherwise consideration should be for the owner or his wife taking over. The owner showed me that he had his age verification policy and licence up on display. unfortunately he had put up his old Justice's Licence and I showed him what his up to date licence should look like and he said he would get that sorted. They have a new corporate policy on Challenge 25 where there are signs up everywhere and they have refusal cards that explain why people are refused. There is also a poster up advertising £200 to customers who provide information against a premises that is operating poorly and not challenge for ID - the owner is quite clear that he does not want this to happen as the £200 comes out of their profit.

Refusal book was checked and is now being used

[REDACTED]

Working Sheet

Hampshire Constabulary

Printed: 13/03/2013 11:44 by 22237

Occurrence: **44100422031 Z Prem Licence (Management Occurrence)**

Author: #22237 CONWAY, S.

Report time: 05/02/2013 16:31

Entered by: #22237 CONWAY, S.

Entered time: 05/02/2013 16:31

Remarks: Visit 24/01/13

Licensing Visit 24/01/13 1410hrs

DPS Shoib ALI spoken to.

Failed TP discussed - DPS stated that he has been made aware of the failed TP. He has viewed the CCTV in relation to the TP. DPS has spoken to the member of staff and has undergone refresher training with him in relation to challenge policy and refusing sales. DPS stated that the member of staff has been given a verbal warning at this time. DPS stated that the failure was very unexpected, the member of staff is trusted and has been at the store for a number of years,

Training - no formal package in place. No records maintained of training or refresher training. Training is verbal, covering challenge policy and preventing sales to children, and proxy sales. I have advised that the area is subject to drunkenness, so any training should also include signs / symptoms of drunk people and refusals. Advice also provided of the benefits of a formal training package with records made in relation to evidencing due diligence.

Refusals book - seen - last refusal recorded was Sept 12. DPS stated that they do not normally have a reason to refuse. Advised to record all refusals, including refusals due to intoxication, as this provides evidence of due diligence.

Challenge policy - C25 operated. Posters clearly visible in store. Normally the till provides a prompt for age related sales. The tills are currently not functioning correctly, so DPS was unable to show the till prompt. ID accepted Driving licence, passport and PASS ID, DPS stated that ID without a photo was not accepted.

Licence was on display. DPS did not have written authorisation for sales of alcohol, the advantages were explained and written authorisation put in place.

CCTV was not able to be checked as DPS was on his own in the store, and customers were frequent.

Letter to be sent



C

Working Sheet

Hampshire Constabulary

Printed: 13/03/2013 11:43 by 22237

Occurrence: **44100422031 Z Prem Licence (Management Occurrence)**

Author: #22237 CONWAY, S.

Report time: 20/02/2013 15:25

Entered by: #22237 CONWAY, S.

Entered time: 20/02/2013 15:25

Remarks: Meeting with DPS

DPS Shoib ALI attended SC as arranged.

PLH, Sundur Saleem, did not attend, and DPS stated that he did not have any other contact information for her

Since the last meeting, ALI has informed his staff more fully on C25, putting more signs up at the till explaining to request ID from all people who look under 25, and to accept only driving licences, passports and PASS id's.

Further posters have been put up around the staff areas of the shop.

DPS has also arranged for people under 25 to come into the shop as a 'homemade' test purchase. Staff have requested ID and noted this in the refusals book.


No formal training package has been put in place, although DPS stated that he has ordered a training package. DPS could not provide any details of the package that he has ordered.

CCTV of the test purchase has not been viewed. A copy has also not been provided. The DPS stated that the DVD drawer no longer works, so footage is not able to be downloaded. The DPS stated that police have seized the hard drive in the past, as no-one was able to use the system. I have advised that police would have no reason to seize the hard drive if the system was fully operational and footage can be provided by staff.

Refusals book is in place - this has been utilised recently, with refusals being noted for alcohol and cigarettes.

Concerns discussed -

C25 policy not fully understood by staff - Zain ALI had stated that, as the test purchaser looked 18, he did not need to request ID, and as the 2nd test purchaser was not actually buying the alcohol, ID was not required from her. I have advised the DPS that his staff need to be trained fully on the C25, in that everyone who looks under the age of 18, whether buying the alcohol or in a group with the person buying the alcohol, everyone's age must be verified to prevent offences being committed - sale to an U18 or sales on behalf of U18 (proxy sales).



[REDACTED]

Training - a formal training package should be implemented, covering avoidance of sales to children, signs and symptoms of drunkenness and refusals of sales to drunk people. The provision of training should be recorded, refresher training provided every 6 months, and staff tested on their understanding with questions, the pass mark being 80%.

CCTV - as this is a useful tool in the prevention of crime and protection of children, any CCTV needs to be maintained in full working order. I have outlined the basics of police expectations - 28 days storage with staff to be able to provide footage on request in a viewable format.

I have advised the DPS that I still need to speak with the PLH, as I will be looking for these proposals to be added to the licence as the standard of operating the premises.

I have also advised the DPS that the premises has now committed the offence of persistent sales of alcohol to children, for which the PLH is liable to be prosecuted for. I have advised that further formal action will be taken with the premises, which could include prosecution or closure notice under S147A LA, and a review.



Hampshire Constabulary

Chief Constable Andy Marsh

Southampton Central
Police Station
Southern Road
Southampton
Hampshire

SO15 1AN

Ms Sundus Saleem

Telephone: 101

Direct dial: 02380 674768

Fax number:
023 8067 4397

Minicom TextRelay: 18001 101

Email:

western.licensing@hampshire.pnn.police.uk

Our ref: 44100422031
Your ref:

March 02, 2013

Dear Ms Saleem,

This letter is with regard to the meeting on 24th January 2013 at Bargain Booze, 20th February and 27th February at Southampton Police Station. At the meetings, a number of issues were discussed and are summarised on the attached sheet.

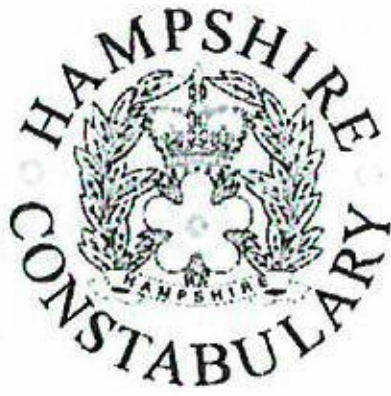
As we discussed, the Hampshire Constabulary are committed to working with the licensees in promoting the four licensing objectives i.e. –

- 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. Having considered the issues raised in the meetings, then we will look to take the matter further and this could be by a review of the premises licence.

Yours faithfully,

Sharon Conway
Violent Crime Reduction & Licensing Team



Hampshire Constabulary

Chief Constable Andy Marsh

Meeting held on 24/01/13

People present: Mr Shoib Ali (DPS); PC Conway

Test purchase operation

Police: This meeting is following a failed test purchase operation conducted by police on 28th December 2012. Two youths under the age of 18 years were sold alcohol. No challenge was made in order to verify their age.

Venue: You have undergone further training with the member of staff involved in relation to the challenge policy and refusing sales. You stated that the failure was very unexpected, the member of staff is trusted and has been at the store for a number of years.

General Conditions check

Training

Venue: You have no formal package in place. No records are made of training or refresher training. Training is verbal, covering the challenge policy, preventing sales to children, and proxy sales.

Police: This area is subject to drunkenness, so any training should also include signs / symptoms of drunk people and refusals. It is of benefit for a formal training package to be in place with records made in relation to evidencing due diligence.

Refusals book

Police: You have a refusals book in place. The last refusal recorded was September 2012. It is advisable to record all refusals, including refusals due to intoxication, as this provides evidence of due diligence.

Venue: You stated that you do not normally have a reason to refuse, but saw the benefits of recording refusals.

Challenge policy

Venue: You operate a Challenge 25 policy. Posters are clearly visible in store. Normally the till provides a prompt for age related sales, but this function is not currently working.

CCTV

Venue: You have CCTV installed. You are not able to download footage at present.
Police: As a minimum, we would expect any CCTV to have 28 days of storage, and for you to be able to provide footage on request.



Hampshire Constabulary

Chief Constable Andy Marsh

Meeting 20/02/13

People present: Mr Shoib Ali (DPS); PC Conway

Test Purchase Operation

Police: This meeting is following a failed test purchase operation conducted by police on 8th February 2013. Two youths under the age of 18 years were sold alcohol. No challenge was made in order to verify their age.

Venue: Again, this failure was very unexpected. The member of staff involved had other issues on his mind at the time, which may have affected his judgement. Since the last meeting, you have placed reminders and prompts in staff areas and at the till. This is to prompt staff at all times to challenge young people when selling alcohol.

Challenge 25 / Training

Police: When spoken to, the member of staff stated that he did not need to challenge the youths. He stated that the young person buying the alcohol looked 18, so did not need to be challenged. He also stated that as the second young person did not buy the alcohol, there was no reason to make any challenge. This shows that this staff member does not understand the Challenge 25 policy, and does not understand how to prevent sales of alcohol on behalf of a person under 18 years.

Venue: You understood the importance of the challenge policy. You have ordered a formal training package to be put in place.

Refusals book

Venue: Recent refusals have been recorded. You have tested your staff yourself in order to ensure that they are correctly applying the challenge policy.

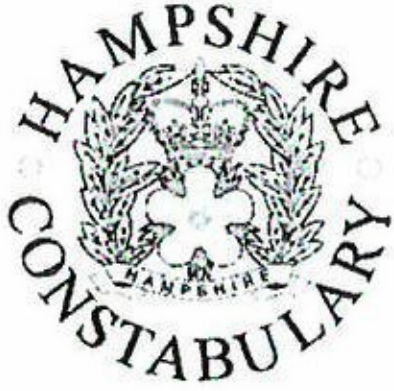
Police: The efforts made to ensure the licensing objectives are promoted are good. The premises licence holder will also be spoken to as we would suggest that conditions are placed on the operating schedule of the premises licence. This will assist in providing clear direction in the future, with the aim of preventing further offences. Due to two sales to under 18 year olds being committed within a 3 month period, a further offence of persistently selling alcohol has been committed, for which I need to speak with the premises licence holder.

CCTV

Police: I have requested a copy of the footage for the test purchase on 8th February.

Venue: You are not in a position to easily provide this footage. The equipment is not fully functional. When police have required CCTV in the past, it has been seized and removed from the premises.

Police: It is not a desirable situation for police to have to seize equipment in order to obtain footage of a crime which occurs on your premises. It is recommended that staff are able to provide footage on request, and that equipment is in fully operational order. This would eliminate any requirement for police to take custody of your property.



Hampshire Constabulary

Chief Constable Andy Marsh

Meeting 27/02/13

People present: Mr Shoib Ali (DPS), Ms Sundus Saleem (PLH), Zain Ali (co-owner);
PC Conway

Police: The reason for this meeting is that the two failed test purchases constituted the offence of persistent sales of alcohol to a person under the age of 18 years, for which the Premises Licence Holder (PLH) is liable for. The person named as the PLH is Ms Sundus Saleem.

Venue: You want to stress that you are working hard to prevent further sales to underage people. In the 12 years that you have been operating, you have been running a well run business. This is the first time that you have failed any test purchases to your knowledge. You have obtained a training package 'Retailers pack for age restricted sales' and will be utilising this to train staff. Further Challenge 25 literature is being utilised to remind staff to make challenges. The tills now provide a prompt, which produces a slip for completion when a refusal is made.

Police: The efforts made so far are a good start. However, police need to be assured that promotion of the licensing objectives will be maintained, and prevent further offences from being committed. Due to this, police will be prosecuting the premises licence holder in relation to S147A Licensing Act 2003 (persistent sales of alcohol to a person under the age of 18 years). An alternative to a court hearing would be the acceptance of a closure notice in relation to licensable activities for a period of between 48 hours and 336 hours.

In order to provide the DPS with clear direction to promoting the licensing objectives into the future, police are considering taking the premises to review.

As part of that review, the following conditions will be sought to be added to the operating schedule. At this time, these conditions will be the minimum direction which will be requested. These conditions are being provided so that you can introduce them as the standards of operation prior to being added to the premises licence. This will ensure that you can be prepared and can continue to operate within the authorisation provided by the premises licence. This course of action can be subject to change during the review process. The Licensing Authority may also have their own recommendations, which can include suspending or revoking the premises licence.

The option remains open for you to submit a variation of your premises licence to support the licensing objectives.

Proposed operating schedule

1) 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.

C



Hampshire Constabulary

Chief Constable Andy Marsh

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.

2) Challenge 25

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

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

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

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

3) Training-

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

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

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

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



Hampshire Constabulary

Chief Constable Andy Marsh

4) CCTV

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

CCTV warning signs to be fitted in public places.

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

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

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

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

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on 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.

It may also be of benefit to consider further training for the DPS, such as a nationally recognised DPS level 2 course or equivalent.

Trading Standards Service

Southampton City Council
Civic Centre
Southampton SO14 7LY



Direct dial: 023 8083 4930
Fax: 023 8083 2656
Email: lucas.marshall@southampton.gov.uk

Please ask for: Lucas Marshall
Our ref: 13/00411/UAS
Your ref:

28th March 2013

Licensing
Southampton City Council
PO Box 1767
Southampton
SO18 9LA

Dear Sir/Madam

I write in support of Hampshire Constabulary's application for review of the Premises Licence for Bargain Booze, 290 Shirley Road, Southampton, on the grounds that the Premises Licence Holder, Sundus Saleem, has failed to support the Licensing Objectives to prevent crime and disorder and to protect children from harm.

The Police and Trading Standards share responsibility in the enforcement of the Licensing Act 2003 with regard to under age sales of alcohol. I have read PC Sharon Conway's application for the review of the licence of the above premises, which relates to 2 under age sales of alcohol which took place on 28th December 2012 and 8th February 2013.

For information the premises also failed a Trading Standards test purchase, albeit on the 18th May 2006. On that occasion Sundus Saleem accepted a Simple Caution and the Designated Premises Supervisor, Shoib Ali, who had physically sold the alcohol to a 15 year old, received a Penalty Notice for Disorder. Following the sale Sundus Saleem was given advice regarding basic precautions to prevent under age sales, including adopting a Challenge 21/25 policy, maintaining a refusals record, training staff and keeping written records of training. Advice had also been given by Trading Standards to the business by phone on 24th January 2006 and personal visits on 27th April 2009 and 6th July 2011.

It is evident from PC Conway's application that Ms Saleem has also received considerable advice regarding prevention of under age sales from the Police. That Ms Saleem has failed this number of test purchases is indicative that she has consistently failed to heed advice and that basic precautions had not been implemented.

I would ask that the conditions requested by the Police in their application, which relate to CCTV, the training of staff, keeping of a refusals record, operation of a challenge 25 policy, and a till prompt on the EPOS system, are imposed on the Premises Licence. I would also ask that the Sub Committee considers a suspension of the licence, as this is an effective deterrent to further offences being committed and may encourage the Premises Licence Holder to address the Licensing Objectives in future.

Yours faithfully

Lucas Marshall
Trading Standards Officer



INVESTOR IN PEOPLE

Cc Southampton Licensing Unit, Hampshire Constabulary, Central Police Station, Southern Road,
Southampton SO15 1AN
Sundus Saleem, Bargain Booze, 290 Shirley Road, 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.