

Reference: 2013/00804/01SPRT

Hearing:

9th May 2013

Application for Premises Licence - Transfer

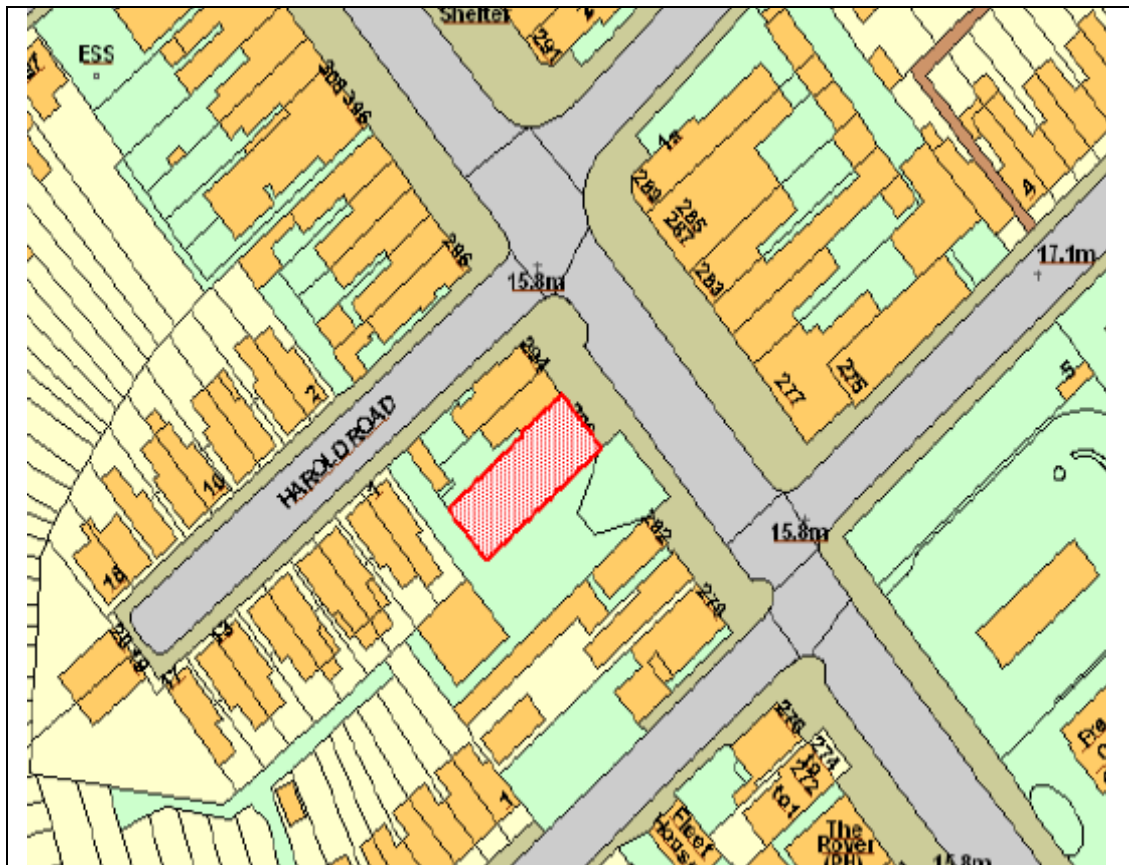
Premises Name: Premier Quick Shop
 Premises Address: 290 Shirley Road
 Freemantle
 Southampton
 SO15 3TR

Application Date:
 Application
 Received Date:

9th April 2013
 10th April 2013

Application Valid
 Date:

10th April 2013



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Representations From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Police - Licensing	No	

Legal Implications

1. On application for transfer of a premises licence, the applicant is required to serve notice on the Council, as Licensing Authority, and a copy on the Chief Officer of Police.
2. The Licensing Act 2003 requires that, where a valid application for transfer of a licence has been received by the Licensing Authority, the application must be granted, unless the Chief Officer of Police gives notice of objection to the application within 14 days of receipt of the application.
3. To object, the Chief Officer of Police must be satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, and the notice of objection must state their reasons why the Chief Officer of Police is so satisfied.
4. Where objection is made by the Police, and is not withdrawn, the Licensing Authority must hold a hearing to consider the notice of objection and, having regard to the notice, reject the application if it considers it necessary for the promotion of the statutory crime prevention objective.
5. The Licensing Authority, the Police and the applicant for transfer of the licence may agree that a hearing is not necessary. No such agreement has been reached in this case.
6. In determining the application, the Licensing Authority's discretion is to either grant or refuse the application for transfer. There is no discretion to vary the licence conditions.
7. The decision making panel, in considering an application, must have regard to the notice, adopted Statement of Licensing Policy and any relevant representations of the applicant.
8. An applicant, whose application has been rejected, may appeal against the decision to the Magistrates' Court. Likewise the Chief Officer of Police may appeal against a decision to grant the application.
9. On determination of the application of the transfer, the Licensing Authority must give notice of its decision to the Chief Officer of the Police, the applicant for transfer and, if the application is granted, the applicant for the transfer and, if the application is granted, the holder of the previous licence, or if the application is refused, the continuing holder of the licence.
10. If the applicant and the designated premises supervisor are not the same person and the application is granted, the applicant must notify the designated premises supervisor of the transfer.
11. In considering this application the panel 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 panel must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

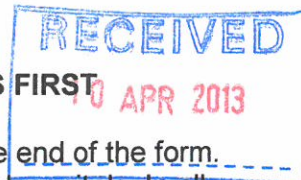
The panel must also have regard to:-

12. *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.

13. *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 persons 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 affect 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.

Application to transfer premises licence to be granted
under the Licensing Act 2003



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We ZAIN MOHAMED ALI

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

LL25/0223/2005/00757/01SPRC

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description QUICK TRIP PREMIER - NOW TO BE KNOWN AS PREMIER QUICK SHOP 290 SHIRLEY ROAD SHIRLEY	
Post town SOUTHAMPTON	Post code SO15 3HL
Telephone number at premises (if any)	

Please give a brief description of the premises BRICK BUILT CONVENIENCE STORE IN PARADE OF SHOPS
--

Name of current premises licence holder MS SUNDUS SALEEM
--

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

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

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

ALI

First names

ZAIN MOHAMED

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick yes

Current postal address if different from premises address	<input type="text"/>
--	----------------------

Post town	<input type="text"/>	Post code	<input type="text"/>
------------------	----------------------	------------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

(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

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day Month Year

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

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.
WE CANNOT LOCATE THE PREMISES LICENCE AND ENCLOSE A CHEQUE FOR £10.50 FOR A REPLACEMENT

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- 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 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 9TH APRIL 2013

.....

Capacity AUTHORISED LICENSING AGENT

.....

For joint applicants signature of 2nd applicant, 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). **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 5)

LICENSING SOLUTIONS
235 BOTLEY ROAD
BURRIDGE

Post town
SOUTAMPTON

Post Code
SO31 1BJ

Telephone number (if any) 07

If you would prefer us to correspond with you by e-mail your e-mail address (optional) applications@licensingsolutiuons.org.uk

Consent of premises licence holder to transfer

I/we	MS SUNDUS SALEEM
	<small>[full name of premises licence holder(s)]</small>
the premises licence holder of premises licence number	U25/022/2005/00757/015PR
	<small>[insert premises licence number]</small>
relating to	Quick Trip Premier 290 Hillside Way SO15 3TL
	<small>[name and address of premises to which the application relates]</small>
hereby give my consent for the transfer of premises licence number	
	<small>[insert premises licence number]</small>
to	
	<small>[full name of transferee].</small>

MR ZAIN MOHAMED ALI
290 HILLIDE WAY
SO15 3TL.

signed	<u>MS</u>
name	
(please print)	MS SUNDUS SALEEM
dated	02-04-13

1





**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

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

Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:

<input type="checkbox"/> 1: Grant for a personal licence	(Object within 14 days)
<input type="checkbox"/> 2: Grant for a temporary event notice (TEN)	(Object within 2 days)
<input checked="" type="checkbox"/> 3: Transfer of a premises licence	(Object within 14 days)
<input type="checkbox"/> 4: Variation of designated premises supervisor	(Object within 14 days)
<input type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)

Name of Applicant:	Zain Mohamed ALI
Name of Proposed DPS:	

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	Premier Quick Shop 290 Shirley Road Shirley
Postcode:	SO15 3HL

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: PC
Surname: CONWAY First Names: SHARON
Current postal address : Southampton Central Police Station Southern Road Southampton
Postcode: SO15 1AN
Daytime telephone number: 02380 674768
E-mail address: (optional) 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



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

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

Please state the ground(s) for representation:

Hampshire Constabulary believe that the granting of the application for the transfer of the premises licence for Premier Quick Shop to Zain Mohamed ALI will undermine the crime prevention objective.

Mr Ali has shown recently that he is not responsible as a member of staff to support the licensing objective. Hampshire Constabulary believe that he will not be able to promote the licensing objective to prevent crime and disorder as the premises licence holder.

Hampshire Constabulary have applied for the premises licence to be reviewed. This application was made to Southampton City Council on 23/03/13. The review application has been brought about due to two failed test purchases at the store, and that the licencing objectives have been undermined.

The sale on 8th February 2013 was made by Zain ALI himself. On speaking with Mr Ali, he did not understand the challenge policy. This incident causes further concern because the young person who was sold alcohol was in the company of another child. No challenge was made of either child. Mr Ali has accepted and paid a fixed penalty notice with respect to this crime.

As Mr Ali has shown that he is unable to prevent crime occurring at the premises when he has no other responsibility. Hampshire Constabulary believe that he will not be able to prevent crime occurring when he has the responsibility of maintaining any conditions applied as a result of the review application.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

A suitable alternative be found as the premises licence holder.

Signature of Officer Completing

Name S. CONWAY Collar Number: 22237
Signature: [Signature] Date: 11/4/13

Signature of Authorising Officer

Name P. WOOD Collar Number: 2117
Signature: [Signature] Date: 11/04/13

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 (290 SHIRLEY ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO15 3HL (QUICK TRIP) (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SY SHIRLEY SOUTH, Beat: 1SY01 REGENTS PARK & FREEMANTLE) (Land li

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:

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 a 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 issues with a fixed penalty notice.

I had no further dealings.

Ps 18 Christine Plascott

Signature:

Signature witnessed by:

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 (if over 18 insert 'over 18')

Occupation: Constable 22237

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:

PC SHARON CONWAY

(witness) Date: 09/02/2013

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: _____

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: _____

Signature witnessed by: _____

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).

RESTRICTED

RESTRICTED

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.

RESTRICTED

Printed by: 22237 Date: 13/03/2013 11:43 Computer: SC238 Page 2 of 2