

Reference: 2014/03344/01SPRT Hearing: 6th November 2014

Application for Premises Licence - Transfer

Premises Name: World Shop 210 - 214 Shirley Road Premises Address:

Southampton SO15 3FL

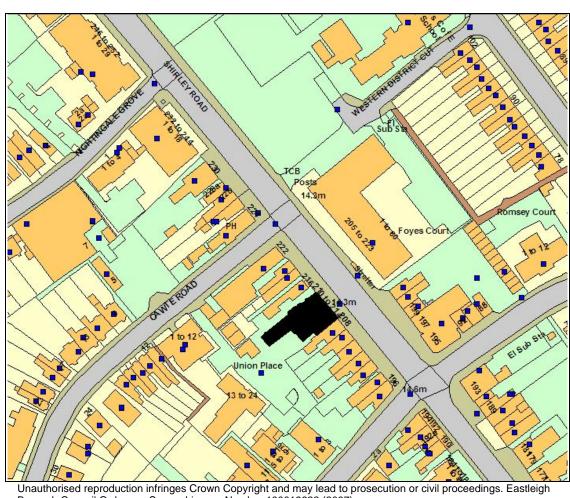
Application Date: Application Received Date:

25th September 2014 25th September 2014

Application Valid

Date:

25th September 2014



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Representations From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Police - Licensing	No	See attached representation

Legal Implications

- 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.
- 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.
- 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 Where objection is made by the Police, and is not withdrawn, the Licensing Authority must hold a hearing to consider the notice of objection and, having regard to the notice, reject the application if it considers it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.
- 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 makes its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching it's 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.

Southampton City Council

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.

additional sheets if necessary. You may wish to keep a copy of the comp	oleted form for your records.		
I/We KILAMARS A (Insert name of applicant)	BOI		
apply to transfer the premises licence Licensing Act 2003 for the premises de	described below under section 42 of the		
Premises licence number	2013/60341/01SPRD		
Part 1 - Premises details wolld	shop		
Postal address of premises or, if none,	ordnance survey map reference or		
description 210-214 Shir	clear Road		
Sout ham Pto			
Post town Southampton Post code Sois 3FC			
Telephone number at premises (if any)			
Please give a brief description of the pre	emises		
Supper har Ket	RECEIVED		
aut Leet	25 SEP 2014		
Name of current premises licence holde	The state of the s		
The state of the s	the Sirwan Hussein		
Part 2 - Applicant details			
In what capacity are you applying for the pro	emises licence to be transferred to you?		
	Please tick yes		
a) an individual or individuals*	please complete section (A)		
b) a person other than an individual *			
i. as a limited company	please complete section (B)		
ii. as a partnership	please complete section (B)		
iii. as an unincorporated association or	please complete section (B)		

SECOND INDIVIDUAL APPLICANT (fill in as applicable)					
Mr Mrs		Miss	Ms		Other title [(for example, Rev)
Surname			F	irst nam	es
ABDI				K101	MARS
					Please tick yes
I am 18 years of	d or over				
Current postal address if different from premises address					
Post town				Post c	ode
Daytime contact	telephor	ne number			
E-mail address (optional)		Kia. e	a bdi	a yako	s. Com.
(B) OTHER APP	LICANTS				
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	300000				
Addroop		<u> </u>			
Address					
			_/		
Registered number	r (where	applicable)			
Description of app	licant (for	example pa	rtnershir	compar	ny unincorporated
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)			
I have enclosed the premises licence			
If you have not enclosed premises licence referred to above please give the reasons why not. Organial been Last			

 I have made or enclosed paymer I have enclosed the consent form 	signed by the existing premises		
 licence holder or my statement as I have enclosed the premises lice I have sent a copy of this application 	s to why it is not enclosed ence or relevant part of it or explanation tion to the chief officer of police today		
I understand that if I do not comp application will be rejected	ly with the above requirements my		
IT IS AN OFFENCE, LIABLE ON CONV THE STANDARD SCALE, UNDER SEC TO MAKE A FALSE STATEMENT IN OF APPLICATION	ICTION TO A FINE UP TO LEVEL 5 ON TION 158 OF THE LICENSING ACT 2003 R IN CONNECTION WITH THIS		
Part 4 - Signatures (please read guida	nce note 2)		
Signature of applicant or applicant's s (See guidance note 3). If signing on beh capacity.	olicitor or other duly authorised agent alf of the applicant please state in what		
Signature			
Date 25/09/14			
	L'awner		
For joint applicants signature of 2 nd applease read guidance applicant (please read guidance applicant please state in what capacity.	plicant, 2 nd applicant's solicitor or other note 4). If signing on behalf of the		
Signature			
	• • • • • • • • • • • • • • • • • • • •		
Capacity			
Contact name (where not previously give correspondence associated with this appropriate the correspondence associated with the correspondence as occurrence as the correspondence as occurrence	ven) and postal address for oplication (please read guidance note 5)		
Post town	Post Code		
elephone number (if any)			
you would prefer us to correspond wite optional)	h you by e-mail your e-mail address		

Notes for Guidance

- Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
- 2. The application form must be signed.
- An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 5. This is the address which we shall use to correspond with you about this application.



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:

1. Cront for a series			
1: Grant for a pers	(Object within 14 days)		
2: Grant for a temp	(Object within 3 days)		
3: Transfer of a pro	(Object within 14 days)		
4. Variation of des	ignated premises supervisor	(Object within 14 days)	
5. Grant/Variation	of a premises licence/club prem' certificate	(Object within 28 days)	
6: Minor variations		(Object within 10 working	
		days)	
Name of Applicant:	Kiumars ABDI		
Name of Proposed DF	PS: Kiumars ABDI		
Details of relevant con	viction (Personal Licence Applications ONLY)		
Dootal address of	Morld Chan Cauthan to the		
Postal address of	World Shop Southampton Ltd also known	as Odra Stores	
premises:	210-214 Shirley Road Southampton		
D4			
Postcode:	SO15 3FL		
Detelle of wear and the			
<u>Details of responsible</u>	e authority applicant		
Mr Mrs Mis			
IVII IVIIS IVIIS	SS Ms Other title / Rank: PC		
Surname: Conway	First Names: Shar	ron	
Current postal	Southampton Central Police Station		
address :	Southern Road		
addicoo .	Southampton		
Postcode:	SO15 1AN		
Daytime telephone	0220052222		
number:	02380533368		
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

-8 OCT 2014



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

 The prevention of crime and disorder Public safety The prevention of public nuisance The protection of children from harm 		Please select one or more boxes
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Please state the ground(s) for representation:

On behalf of the Chief Officer of Police, I am writing to lodge an objection to the above application to transfer the premises licence and vary the DPS to Mr Kiumars Abdi. The objection is on the following grounds:

1) The prevention of crime and disorder.

The police have concerns over the application due to the exceptional circumstances at World Shop, whereby granting the applications will undermine the crime prevention objective. Police have been working closely with Trading Standards, who would like to take this opportunity to highlight their concerns. The concerns are:

- The application to transfer the premises licence and vary the DPS is being made in an effort to prevent enforcement action against the current holder, Mr Sirwain Hussein.
- Mr Abdi is not entitled to apply for the premises licence as he is not the person / company who will be conducting the licensable activities from the premises.
- Mr Hussein will continue to have substantial involvement in the premises and influence over Mr Abdi to the extent that current alleged offences will continue.

In recent months, World Shop, which is also known locally as Odra Stores, has come to the attention of police, Trading Standards and HMRC under the premises licence holder Sirwan Hussein. Notably, on 24th August 2014, the premises was visited as part of a joint operation with Trading Standards and Licensing, as part of a Street CRED operation aimed at highlighting the alcohol related anti-social behaviour suffered in the area to retailers. On the 2nd September 2014, police and Trading Standards conducted a test purchase operation and compliance check. The premises licence holder, Sirwan Hussein, was present on both of these occasions, and spoken to by the responsible authorities.

Trading Standards have visited the premises on a number of occasions, as detailed by the statement provided by Lucas Marshall (Annex A). The applicant, Mr Abdi, has in fact been spoken to directly and advice offered in supporting the licensing objectives, as he has been in an apparent position of control of the premises. Mr Marshall, in his statement, details contact he has had with Mr Abdi on 4th September and 24th September 2014.

On 8th September 2014, Mr Abdi is again shown to be in a position of responsibility at the

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store. He assisted a police investigation by providing CCTV from the store. In the statement producing this footage, Mr Abdi states that he is the manager. (Annex B).

Annex C details police involvement with Odra Store during August and September 2014. On 24th September 2014, a joint operation was conducted across Southampton by HMRC, Trading Standards and police. This operation was reported in local media (Annex D). Odra Stores was attended as part of that operation, with illegal alcohol and cigarettes being as was the premises licence holder, Mr Abdi was present at the store during this operation, products not being labelled as required by Regulation 38 of the Food Labelling Regulations 1996 was discussed with both Mr Hussein and Mr Abdi. Food labelling is an important requirement for running a retail premises. With increasing numbers of people being allergic to certain ingredients, it is important that food and drink labels are easy to understand in comply with the regulations.

Of further concern was that Mr Abdi was not fully open with police. When spoken to by PC Conway, Mr Abdi initially refused to give his name, stating that he did not work at the premises, although Mr Abdi had considerably assisted Mr Hussein in providing CCTV for the police attendance on 2nd September 2014. Only when PC Conway referred to an application for a premises licence at another shop did Mr Abdi become more co-operative, advising that there were issues with the lease at 307 Shirley Road which would effect his application, and he would be returning to Leeds in the near future.

A basic conditions check was conducted with Mr Hussein. There was no training package in place, but a declaration signed by staff to the effect of

'I have read and understand the training package, and understand that it is my responsibility to keep up to date with my training and need to complete refresher training every 3 to 6 months.'

One such declaration was in the name of Mr Abdi, signed and dated by him on 15/04/14. Mr Hussein was not able to provide the training package referred to in the declaration, advising that this declaration was the training package.

Mr Hussein was asked who his personal licence holders were in order to directly supervise the sale of alcohol. Mr Hussein advised that Mr Abdi was one, despite Mr Abdi already asserting that he did not work at the premises.

Following this attendance, the previous DPS for the premises was spoken to by phone by PC Conway. It transpired that she had left the premises a couple of months previously, and was unaware that a variation to change the DPS had not been applied for.

Mr Abdi submitted the application to become the DPS and premises licence holder at Odra Stores on 25th September 2014.

A meeting was held with Mr Abdi, Mr Marshall and PC Conway on 30th September 2014.



Police have grave concerns that the application has been submitted in an effort to deter responsible authorities from pursuing formal action with Mr Hussein, and that the offences that have come to light under Mr Hussein will continue as Mr Abdi will not be the person who will be conducting the business involving licensable activities as required by the Licensing Act 2003.

During the meeting, Mr Abdi disclosed that he has been in Southampton for the past 2-3 months, staying with Mr Hussein and his family. Mr Abdi has been working at a nearby premises which, at present, he has an application for a premises licence. Mr Abdi has also been helping Mr Hussein at Odra Stores, claiming this assistance is not for payment, but as a friend. Mr Abdi denied that he has described himself to police as 'the manager'. The decision to take on the premises licence at Odra Stores was made during the evening of 24th September 2014 as a result of events at the store during that afternoon. Therefore Mr Abdi intends for his friend Mr Hussein to remain at Odra Stores in order to provide experience and training in retail matters, including who and where to obtain stock for the premises and licensing matters.

Mr Abdi advised that he had little retail experience himself, having last worked at a retail store around 2006-2007.

During the meeting, Mr Abdi was not in a position to evidence his assertion that he is now the owner of the store, or a director of the company World Shop Southampton Ltd. He has a verbal agreement with Mr Hussein to buy the business in monthly instalments, expecting this to take some 14 months before the debt is paid in full. Mr Abdi was not able to provide any details of solicitors or agents who police could obtain such evidence. Mr Abdi could not provide full details of his girlfriend, with whom he anticipates holding the position of director of World Shop Southampton Ltd. Given the lack of evidence to the contrary, it is a concern to police that Mr Hussein will remain in an influential position at Odra Stores, with Mr Abdi having little control over stock provisions in the store, and adherence to the premises licence.

Mr Abdi was asked about the premises licence authorisation, and the conditions attached to the premises licence. It became apparent that Mr Abdi has not conducted any due diligence with respect to the responsibilities in the sale of alcohol for which he is criminally liable for. Mr Abdi cited that the store could not sell single cans, had to have a personal licence holder and not to sell to drunks or children. When asked what training package he was implementing, Mr Abdi advised that the 'sheet' was already in place. I understand Mr Abdi was referring to the declaration, which Mr Hussein had been told was not adequate. During the conversation, it became apparent that Mr Abdi has not looked at the premises licence, nor does he know the conditions which are attached to it, simply taking verbal advice from Mr Hussein. Therefore Mr Abdi has not made any improvements to comply with the premises licence, nor has he taken any steps to remove alcohol from sale until such time as he can comply, as required by S137 Licensing Act 2003, exposing alcohol for unauthorised sale.

Mr Abdi was also asked about the current issues at the premises, particularly in relation to



S144 Licensing Act 2003 of knowingly keeping smuggled goods on the premises and food labelling issues, both of which Trading Standards have spoken directly to Mr Abdi about when he has been working at the store.

Mr Abdi was very defensive in his response, advising that he didn't have the power to do anything as he was helping out a friend, and smuggled goods and labelling were not his responsibility at the time. When this was challenged that he was in fact accountable and putting his own personal licence at risk, Mr Abdi maintained that he did not consider these issues to have been his responsibility prior to 25th September 2014.

Mr Abdi did advise that, in relation to alcohol, he understood his responsibility to sell UK duty paid products. However, in relation to cigarettes and food items, Mr Abdi did not hold the same convictions and respect for the law, or feel that there was a need to uphold the licensing objective of preventing crime and disorder.

In respect to non-duty paid cigarettes, Mr Abdi referred to selling these products as 'easy money'. In respect to labelling issues, Mr Abdi cited that wholesalers charged for labels, quoting £6 to £18 depending on product, and then he needed staff to apply the stickers. Mr Abdi was told a number of times that he needed to comply with the legislation by either buying the UK product or making sure an import complies with UK legislation. Mr Abdi repeatedly stated the view that other retailers do not comply, wholesalers sell products which do not comply, so asked why he was being made to comply. This point of view is of concern to police and Trading Standards, particularly given that Mr Abdi has applied to be the premises licence holder and the DPS, and what due diligence he will take in order to prevent offences being committed.

It is of great concern that Mr Abdi has taken over a premises which is under scrutiny from responsible authorities and government agencies, to the point that a premises licence review is in the process of prepared and evidenced. This is compounded by Mr Abdi's willingness to take on board training and advice in licensing and other retail legislation from a person who has allowed the premises to come under such scrutiny. In order to bring about change in regard to the licensing objectives at World Store, an experienced, strong and competent management team is required. It is these truly exceptional circumstances that police, with support of Trading Standards, are requesting that the transfer of the premises licence and the DPS variation are not granted.

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)

Hampshire Constabulary recommend that the transfer of the premises licence and variation of the DPS to Mr Kuimars Abdi is not granted.



Signature of	Officer Completing		
Name Signature:	PC 22237 CONWAY	Collar Number: Date:	07/10/14
Signature of Name Signature:	Authori Ps 21	Number:	2117 08/10/14

ArrexA

TRADING STANDARDS SERVICE WITNESS STATEMENT

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2011 (Rule 27) STATEMENT OF: **LUCAS DAVID MARSHALL** AGE IF UNDER 18: **OVER 18** This statement (consisting of 4 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. Signatu being unable to read the statement, of ofread it to him/her before he/she signed it. Signature: My name is Lucas Marshall and I am employed as a Trading Standards Officer by Southampton Α City Council. This statement gives details of my inspection history of the licensed premises Odra, 210-214 Shirley Road, Southampton, SO15 3FL. I first visited the business on 15th January 2013. At that time the business was owned by Worldshop Ltd, of which Sirwan Hussein identified himself as a director. The business had not yet opened but was stocked. I conducted a food inspection and noted that a large proportion of the food displayed was not labelled in English. It is a requirement of Regulation 38 of the Food Labelling Regulations 1996 that food labelling is easy to understand, ie it is labelled in English, and it is an offence under Regulation 44(1)(a) to sell any food which is not labelled in accordance with that provision. There was also medicine which was not labelled in English displayed, which I advised Mr Hussein to remove from sale. Clearly it is important that medicine is labelled in English, so those that take it can read the instructions for use. With increasing numbers of persons with allergies to certain ingredients it is also important that food and drink labels are easy to understand. Odra appears to attract a diverse range of customers; they are not only Polish, so a proportion would Signature:

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PAGE NO: 2 CONTINUATION OF STATEMENT DATED:

LUCAS DAVID MARSHALL BY:

not be able to understand the labelling. On 21st January 2013 I sent a letter of advice to Sirwan Hussein regarding labelling of the food, a copy of which I produce as exhibit LM/Odra/1.

On 23rd January 2013 I returned to the shop as it had opened and conducted an inspection. Polish labelled medicine was displayed for sale and I instructed that this should be removed from sale, which they started to do. On 7th March 2013 I revisited the store and conducted an inspection. A large proportion of foods were still not labelled in English. I told Mr Hussein that further legal action would be taken if he did not comply with the labelling requirements. On 28th August 2014 I visited Odra with Licensing Manager Phil Bates, as part of a multi agency exercise aimed at reducing street drinking in Shirley. I had been informed that street drinkers tend to drink the strong Polish lagers. Many of the brands of Polish beer were not labelled in English and I instructed Sirwan Hussein to remove them from sale or relabel the products, gave a notice of infringement to that effect, and instructed Mr Hussein that I would revisit to check for compliance in a week's time. On the evening of 2nd September 2014 I assisted a Police under age sales exercise in the Shirley area. Alcohol was not sold to the child volunteers, however Sirwan Hussein did breach one of the conditions on his licence by personally selling a single can of beer to an adult, a condition that is on his licence specifically aimed at reducing street drinking. Illegally labelled beers were still displayed for sale and I instructed Mr Hussein that further legal action would be taken if these were not removed from sale or relabelled by 4th September. On 4th September 2014 I revisited Odra. Kiumars Abdi was working at the shop. I examined the Polish beers, which were still displayed for sale and were not labelled correctly. Mr Abdi agreed to remove them from sale, and started to do so. On 8th September 2014 I sent a warning letter to Mr Hussein, a copy of which I produce as LM/Odra/2. On 24th September 2014 assisted HMRC in an inspection of Odra, during which 91.4 Litres of alcoholic spirits, 780 cigarettes and 150g of hand rolling tobacco, all of which were not UK duty paid, were found and seized by HMRC. It is an offence under Section 144 of the Licensing Act 2003 to have on a Signature: ..

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PAGE NO: 3 CONTINUATION OF STATEMENT DATED: 7/19/14

BY: LUCAS DAVID MARSHALL

premises smuggled goods, and the Home Office Guidance issued under Section 182 of the Licensing Act 2003 states that criminal activity, including the sale of smuggled goods, should be treated particularly seriously. Sirwan Hussein and Kiumars Abdi were present at the premises at that time. I examined the Polish beer, many brands, including Bosman, Tatra, Ekstra, Svyturys, Specjal Jasny Pelny, Debowe, Lech, Zubr, Zywiec, Perla, Aldaris, were still not English labelled but were displayed for sale. I also examined the food and a large proportion was not labelled in English. I asked Mr Hussein and Mr Abdi why these foods and drinks were still displayed for sale, but they would not answer. The premises has repeatedly breached the prevention of crime and disorder licensing objective and will not heed basic advice regarding compliance. I informed Mr Hussein that Trading Standards intended to make an application for review of the Premises Licence. On 30th September 2014 PC Sharon Conway and I met with Mr Abdi at Southampton Central Police Station. The reason for the meeting was that following the joint HMRC inspection on 24th September 2014 Mr Abdi had made an application to transfer the Premises Licence for Odra. He had also applied for a licence at a premises, Eko, 307 Shirley Road. Given the history of breaches of legislation at Odra, and Mr Abdi's involvement at that business, I was concerned regarding the possibility of him being involved as Premises Licence Holder at these premises. Mr Abdi confirmed that he had been working at Odra for 2 months, that he is a friend of Sirwan Hussein and currently lives with him. He said that the business is owned by Worldshop Ltd, of which Sirwan Hussein is currently a director, however he will be buying the business for £20000, to be paid over 1 year and 3 months in instalments, and that his girlfriend, Rassa Satvinski, will become director of Worldshop Ltd in 2 day's time. I have checked the Companies House website and it appears that Worldshop Ltd has been dissolved. Mr Abdi said that Sirwan Hussein would work for him until he "settled down" at the shop: he could not give an exact time period but said that Mr Hussein may continue to work at the shop

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PAGE NO: 4 CONTINUATION OF STATEMENT DATED: 7/10/14

BY: LUCAS DAVID MARSHALL

for a month. It is of concern that Mr Hussein should continue to be involved at the premises, given the history of non-compliance at that premises. Mr Abdi appeared unaware of the conditions on Odra's Premises Licence. I asked Mr Abdi whether he knew that illegal cigarettes were being sold at Odra. At first he gave a confused answer indicating that he did know illegal cigarettes were being sold from the premises, however on further questioning he said that he denied knowledge of their sale. I then discussed the sale of foreign labelled foods and alcohol. I told Mr Abdi that sale of such foods constitutes an offence and that one of the Licensing Objectives was to prevent crime and disorder. He expressed reluctance to cease selling illegally labelled foods, stating that English labelled products are more expensive for him to buy than Polish labelled product. Given my past experience with the business and Mr Abdi I have no expectation that he will comply with the labelling requirements in future. It is also of concern that price appears to be the main factor in Mr Abdi's buying policy: as the labelling of illegal alcohol has become more sophisticated it has become increasingly difficult to ascertain whether product is illegal. The best indication is often the price - if it's close to, or less than, the price of the duty and VAT liable then it is likely to be illicit. If Mr Abdi's intention is to buy food and drink at the lowest available price it is likely that illegal product will continue to be sold from the premises. With regard to Mr Abdi's application for Eko, 307 Shirley Road he said that he was going to cease this application due to a misunderstanding over who the landlord at the premises is. If the application does proceed my concerns outlined above regarding Mr Abdi's suitability as a Premises Licence Holder apply as much to this premises as they did at Odra.

Signature:

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Trading Standards Service

167760 1627	Exhibit reference Lan od Description of article	Incident reference
/k~7	nce Odra	ent reference 4/01168/F00057
To		600
00RA		7

Lucas MARIAAC

Name of person originally identifying (block letters)

Signature of person originally identifying

EH.126 07.10.22561

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ading Standards Service outhampton City Council

Civic Centre

Southampton S014 7LY

Direct dial:

023 8083 4930

Fax:

023 8083 2656

Email:

Please ask for: Lucas Marshall

Our ref: Your ref:

21st January 2013

Sirwan Hussein Odra 210 - 214 Shirley Road Southampton SO15 3FL

Dear Mr Hussein

Food Safety Act 1990 Food Labelling Regulations 1996

On 15th January 2013 I visited your premises, Odra, 210-214 Shirley Road, Southampton. During the visit I advised regarding the Food Labelling Regulations 1996, which require food to be labelled in English when retailed: the sale of food which is not labelled in English constitutes an offence under Regulation 44 of these Regulations.

You confirmed that a large proportion of your food is not labelled in English and you appeared to be unaware of this requirement. I would strongly advise that you either label these items in English at the soonest opportunity, or, if you are unable to do so, remove them from sale. I will revisit your premises in the near future to conduct an inspection. Infringements of the above legislation may result in further legal action.

If you have any queries please contact me on 02380 834930.

Yours sincerely

Lucas Marshall

Trading Standards Officer

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

Incident reference

Hollas Coops

Exhibit reference

Mame of person originally identifying (block letters)

Name of person originally identifying (block letters)

Name of person originally identifying (block letters)

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Trading Standards Service

Southampton City Council Civic Centre Southampton S014 7LY

Direct dial:

023 8083 4930

Fax:

023 8083 2656

Email:

Please ask for: Lucas Marshall Our ref:

Your ref:

8th September 2014

Dear Sir/Madam

Food Safety Act 1990 Food Labelling Regulations 1996

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

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

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

Yours faithfully

Lucas Marshall Trading Standards Officer

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

MG11 Page 1 of 2

RESTRICTED (when complete)			
WITNESS STATEMENT CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1			
Statement of: Kinmars ABVI	URN:		
Age if under 18:	Occupation: Shop Milney		
This statement (consisting of			
Signature:	Date: \$/09/14		
Tick if witness evidence is visually recorded (supply witness details on rear) I am the above natural parson and I am the manager of ODRA International Supermulation SHIPLEY ROAD in the SOVTHAMPTON. I am making this Statement; reference to copying CCTV footage from comman at my Supermulation. On MONDAY 8th SEPTEMBER 2014 at 15:40 hows I copied footage from all the camero, at my Supermulation outs CBB.			

Occurrence details

Hampshire Constabulary Printed: 07/10/2014 09:23 by 22237 Occurrence: 44140317839

Occurrence details:

Report no.:

44140317839

Occurrence

Suspicious - Other

Type: Occurrence

time:

02/09/2014 21:30 - 02/09/2014 21:30

Reported

03/09/2014 00:57

time:

210-214, SHIRLEY ROAD, SOUTHAMPTON, HAMPSHIRE United Kingdom

Occurrence address:

SO15 3FL (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SY SHIRLEY

SOUTH, Beat: 1SY01 REGENTS PARK & FREEMANTLE)

Clearance

Filed

status:

Yes

Concluded: Concluded

date:

23/09/2014

Summary:

Store sold a single can of cider potentially breaching a license condition not to do

so, selling to a plain clothes police officer.

Remarks:

Associated occurrences:

Same address; Same property / 44120491126 / Z Prem Licence (Management Occurrence)

Involved persons:

- HUSSEIN, SIRWAN OMAR [G3] / Subject
- ODRA INTERNATIONAL SUPERMARKET [G4V] / Subject / 210-214, SHIRLEY ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO15 3FL (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SY SHIRLEY SOUTH, Beat: 1SY01 REGENTS PARK & FREEMANTLE)

Involved addresses:

210-214 SHIRLEY ROAD / Dispatch address; Occurrence address / SOUTHAMPTON, United Kingdom SO15 3FL (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SY SHIRLEY SOUTH, Beat: 1SY01 REGENTS PARK & FREEMANTLE)

Involved comm addresses:

Involved vehicles:

Involved officers:

- Witness / BLAKE, H. / #12215 / Hamp / Police staff / MILLBROOK NORTH SNT
- Officer in case / BOUCOUVALAS, A. / #25323 / Hamp / Police officer / MILLBROOK SOUTH SNT

Involved property:

Cider / Disposal approved; Evidence; Seized / STRONGBOW Full: 1 / Disposed Modus operandi:

Reports:



Supplementary Occurrence Report

Hampshire Constabulary

Printed:

02/10/2014 19:19 by 22237

Occurrence:

44120491126 Z Prem Licence (Management Occurrence)

Author:

#22237 CONWAY, S.

Entered by: #22237 CONWAY, S.

Report time: 26/09/2014 10:26 Entered time: 26/09/2014 10:26

Remarks:

Issues with Odra Stores

Report:

Premises was attended 28/08/14 by 22237 & SCC licensing as part of multi-agency joint StreetCred operation (SNT, SCC community safety team, SCC Licensing authority, SCC TRading Standards, EU Welcome & public health, Police licensing) targetting alcohol related ASB in the area.

Premises licence holder HUSSAIN was present behind the till. Alcohol is clearly on display behind the counter and in fridges, including fridges next to the entrance.

HUSSAIN advised that the one other member of staff present was not a personal licence holder, & HUSSAIN confirmed that he is not yet a personal licence holder. HUSSAIN stated that the DPS named, was still working at the premises. He confirmed the conditions on his premises licence, in particular no single cans & personal licence holder directly authorising sales of alcohol, advising that customers were aware of the situation and did not attempt to buy single cans nor buy alcohol when only he was present in the store.

Refusals log seen - HUSSAIN could not initially find this record, eventually locating the document in a folder underneath other paperwork, indicating that this record was not in use. There were also only 3 entries for 2014, again indicating that the record was not used.

High Stength products were discussed - HUSSAIN advised that he will reduce his high strength range over the coming months.

There were a large number of high strength products for sale, a lot priced at £1. Prices of some products noted -

Perla 7.6% 500ml - £1 (Duty + VAT = £1.10)

Debowe 7% 500ml - £1

Oranjeboom 8.5% 500ml £1.39

Special Brew £1.79

Skol Super 9% 500ml £1.89

Chekov vodka 1.5L £24.99

Crest Super 10% 500ml - £1.99

Followup visit to be conducted

Printed by: 22237 Date: 02/10/2014 19:19 Computer: SC080 Page 1 of 2

Premises attended 24/09 to obtain CCTV in relation to test purchase operation. HUSSIAN and another male were present - HUSSIAN was behind the counter. HMRC and trading standards were also on site on seperate investigations.

CCTV was requested for 02/09/14 2125-2135hrs. As the time was not accurate, HUSSAIN was asked to play the footage from 2115hrs. This footage showed a sale of 3 cans of Lech beer made by HUSSAIN prior to the TP sales. The TP's are then seen to take two bottles of alcohol to the counter, HUSSAIN scanning the alcohol through the till and putting them in a bag before requesting ID. The sale is not made. The police witness then approaches the counter with a single can of alcohol and the sale is made. This footage was played back and watched by HUSSAIN.

The CCTV was then requested, however HUSSAIN advised that he did not have access to a USB stick, nor did he have access to the equipment in order to provide footage onto disc. HUSSAIN had to be reminded of the requirements of the condition on the premises licence, before his friend stated he would bring the relevant equipment to download the footage.

Whilst waiting for his friend to return, HUSSAIN attempted to download the footage requested. It was clear that HUSSAIN did not know how to operate the system other than playback, eventually having to be talked through operation by police. CCTV was eventually provided on disc, with the player also provided on the disc.

HUSSAIN;S friend was asked for his details, and initially refused them, stating that he did not work at the premises, and was only at the store to see his friend. The male eventually provided his details as Kiumars ABDI. ABDI stated that he was not remaining in Southampton, but returning to Leeds in a couple of days. However, he then confirmed that he has submitted an application for a new premises licence for a premises along the road. ABDI continued to stated that he has not and does not work at the premises.

HUSSAIN was then spoken to about other conditions - Training records were seen, however this is just a sheet of paper with the name of the employee and states 'i HAVE READ AND UNDERSTOOD THE TRAINING PACKAGE, AND UNDERSTOOD THAT IT IS MY RESPONSIBILITY TO KEEP UP TO DATE WITH MY TRAINING AND NEED TO COMPLETE REFRESHER TRAINING EVERY 3-6 MONTHS'.

HUSSAIN could not provide the training package that was referred to, and did not know what the training was provided. He could not provide records for himself nor for the named DPS. There was a declaration for Kiumars ABDI, which was dated 15/04/14.

HUSSAIN was asked who his personal licence holders were, and he advised that ABDI was. I advised that ABDI stated that he did not work at the premises, so queried why he was selling alcohol when ABDI was not employed by him.

HMRC then spoke with me regarding ABDI. ABDI had stated to her that he worked in Leeds with a care company, did not work at the premises, and was visiting his friend, returning to Leeds in a couple of days.

HUSSAIN was advised that I will be inviting him in for a formal PACE interview in relation to Licensing Act offences. During the conversation, HUSSAIN suggested that he would surrender the premises licence the following day, removing the alcohol from the store that evening.

Printed by: 22237 Date: 02/10/2014 19:19 Computer: SC080 Page 2 of 2

Supplementary Occurrence Report

Hampshire Constabulary Printed: 02/10/2014 19:21 by 22237 44120491126 Z Prem Licence (Management Occurrence) Occurrence: Author: #22237 CONWAY, S. Report time: 24/09/2014 16:30 Entered by: #22237 CONWAY, S. Entered time: 24/09/2014 16:30 Remarks: Call to DPS - no longer working at store Report: some months ago. She was led to beleive that HUSSAIN was putting in a new DPS in her place, so did not remove herself from the licence. has been advised that she is still named on the premises licence, and alcohol is continuing to be sold and offences are being committed. I have advised that she needs to contact the council to remove her name in writing. Due to the time of day, stated that she would do this first thing Thurs am 25/09 was asked about the training that was provided while she worked at the premises. She stated that the package consisted of questions, covering how to challenge, what ID can be accepted etc. She stated that she conducted refresher training at least once a month.

Printed by: 22237 Date: 02/10/2014 19:21 Computer: SC080 Page 1 of 1



Hampshire Constabulary

Printed:

02/10/2014 17:46 by 22237

Occurrence:

44120491126 Z Prem Licence (Management Occurrence)

Author:

#22237 CONWAY, S. Entered by: #22237 CONWAY, S.

Report time: 02/10/2014 17:24 Entered time: 02/10/2014 17:24

Remarks:

Meeting with new PLH / DPS Kiumars ABDI

Report:

A meeting was held with Mr Abdi, Trading Standards Lucas MARSHALL and 22237 on 30th September 2014, to discuss both the application for Odra, and the new application for 307 Shirley Road.

During the meeting, Mr Abdi disclosed that he has been in Southampton for the past 3 months or so, staying with Mr Hussein and his family. Whilst working on opening the store at 307 Shirley Road, Mr Abdi has also been helping Mr Hussein at Odra Stores, claiming this assistance is not for payment, but as a friend. Mr Abdi denied that he has described himself to police as 'the manager'. Mr Abdi intends for his friend Mr Hussein to remain at Odra Stores in order to provide experience and training in retail matters. Mr Abdi advised that he had little retail experience himself, having last worked at a retail store around 2006-2007, hence why he needed Mr Hussein to stay, and also because ABDI is still staying at 141 Wyndham Court. ABDI'S most recent employment has been with 'Care Alliance'. This is an agency for care worker.

During the meeting, Mr Abdi was not in a position to evidence his assertion that he is now the owner of the store, or a director of the company World Shop Southampton Ltd. He has a verbal agreement with Mr Hussein to buy the business in monthly instalments, expecting this to take some 14 months before the debt is paid in full. An price of £20k has been agreed. Mr Abdi was not able to provide any details of solicitors or agents who police could obtain such evidence. Mr Abdi anticipates that his girlfriend will hold the position of director of World Shop Southampton Ltd. The only details Mr Abdi could provided for his girlfriend was Rassa Satvinski or similar, from Latvia.

Mr Abdi was asked about the premises licence authorisation, and the conditions attached to the premises licence. It became apparent that Mr Abdi has not conducted any due diligence with respect to the responsibilities in the sale of alcohol. Mr Abdi cited that the store could not sell single cans, had to have a personal licence holder and not to sell to drunks or children. When asked what training package he was implementing, Mr Abdi advised that the 'sheet' was already in place. I understand Mr Abdi was referring to the declaration, which Mr Hussein had been told was not adequate.

During the conversation, it became apparent that Mr Abdi has not looked at the premises licence, nor does he know the conditions which are attached to it, simply taking verbal advice from Mr Hussein.

Mr Abdi was asked about the previous DPS Dorota Matwij. He stated that he has not seen her at the shop, only the night previous when she came to speak with HUSSEIN. ABDI stated that he did not know what this conversation was about.

Mr Abdi was also asked about the current issues at the premises, particularly in relation to S144

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Licensing Act 2003 of knowingly keeping smuggled goods on the premises and food labelling issues, both of which Trading Standards have spoken directly to Mr Abdi about when he has been working at the store.

Mr Abdi was very defensive in his response, advising that he didn't have the power to do anything as he was helping out a friend, and smuggled goods and labelling were not his responsibility at the time. When this was challenged that he was in fact accountable and putting his own personal licence at risk, Mr Abdi maintained that he did not consider these issues to have been his responsibility prior to 25th September 2014.

Mr Abdi did advise that, in relation to alcohol, he understood his responsibility to sell UK duty paid products. However, in relation to cigarettes and food items, Mr Abdi did not hold the same convictions and respect for the law, or feel that there was a need to uphold the licensing objective of preventing crime and disorder.

In respect to non-duty paid cigarettes, Mr Abdi described selling these products by saying 'If someone is to come in and sell these to him (HUSSEIN), it's not going to be turned down. It's easy money'. In respect to labelling issues, Mr Abdi cited that wholesalers charged for labels, quoting £6 to £18 depending on product, and then he needed staff to apply the stickers. Mr Abdi was told a number of times that he needed to comply with the legislation by either buying the UK product or making sure an import complies with UK legislation. Mr Abdi repeated stated the view that other retailers do not comply, wholesalers sell products which do not comply, so asked why he was being made to comply.

With respect to 307 Shirley Road, ABDI advised that he will not be opening this store. ABDI was advised to contact his agent so that the formal notification of withdrawl can be made.

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Thousands of illegal cigarettes seized in city-wide raids (From Daily Echo)

First published Thursday 25 September 2014in News Last updated 17:33 Thursday 25 September 2014

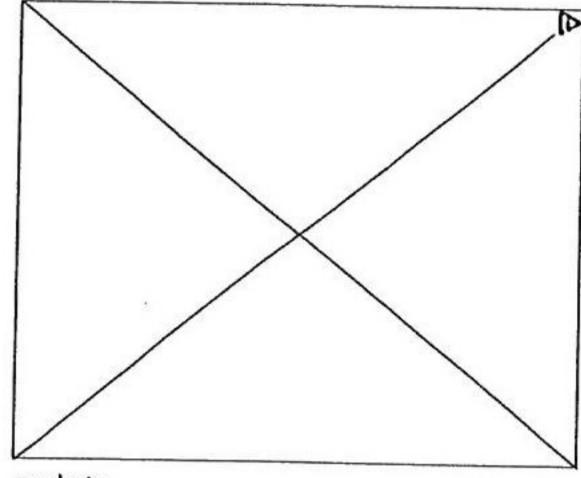


by Patrick Knox Senior Reporter

MORE than illegal 8000 cigarettes, 5.7 kilos of hand-rolling tobacco and 500 litres of alcohol have been seized in Southampton during a HM Revenue and Customs (HMRC) led operation.

Over a 100 officers from the HMRC, Hampshire police, Southampton City Council trading standards, Immigration Enforcement and Border Force officers were involved in raids across the city.

Two specialist Border Force tobacco dogs were also deployed in the operations targeting 19 shops, mainly premises in the Shirley and St Mary's districts.



The visits, as part of HMRC's Tobacco Taskforce activity, led to tobacco and alcohol products being selzed from 12 stores.

The haul included: · 8,155 cigarettes · 5.7 kilos of hand-rolling tobacco · 0.45 kilos of shisha tobacco · 202 litres of wine · 121 litres of beer · 178 litres of spirits It is estimated about £8,500 of duty and VAT may have been evaded.

In one shop officers found a baggy overcoat with individual packets of cigarettes and tobacco hidden inside the lining, sleeves and

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Miley Cyrus Was Banned

pockets.

In another tobacco was concealed under papers in a newspaper stand and tobacco goods were also found concealed within a display stand at the same outlet.

HMRC officers will also Investigate associated tax offences.

Police and trading standards will be following-up four licensing enquiries.

Immigration enforcement officers carried out checks to ensure that staff were legally present in the UK and had the right to work.

John Cooper, HMRC assistant director of criminal Investigation, said: "The sale of illegal tobacco and alcohol will not be tolerated by us or our partner agencies.

"Disrupting criminal trade is at the heart of our strategy to clampdown on the Illicit tobacco market, which costs the UK about £2 billion a year, and the sale of illicit alcohol which costs the UK around £1 billion per year. This is theft from the taxpayer and undermines legitimate traders."

PC Andy Sparshott, of Hampshire Constabulary, said: "Hampshire Constabulary provided officers from local community policing teams in support of the HMRC operation in order to reassure the public that may have been concerned by the increased activity in their community."

Trading Standards team leader Clive Robinsonsaid: "Working with partners to protect both consumers and legitimate businesses is good news for Southampton's residents and taxpayers.

"Our Trading Standards Officers are making further enquiries and we will be examining what additional actions, including licence reviews where appropriate, can be taken."

Anyone with information regarding tobacco fraud is encouraged to contact the Customs Hotline on 0800 59 5000 or via the website www.hmrc.gov.uk/reportingfraud/online.htm

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10 Fatal crash may have been caused by husband falling asleep at the wheel, **Inquest hears**

11 Thousands of Illegal cigarettes seized in city-wide raids

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Koeman hopeful of Alderweireld return

Saints picture archive: Mick Channon takes aim, November 1976

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Hunt for thugs after vicious attack

20 UPDATE: Missing teenager found

TRAFFIC & TRAVEL

Last updated 07.47 with 19 incidents

M27 Hampshire Heavy traffic

B3385 Newgate Lane Gosport Slow traffic

WHAT'S ON Events and cinema listings

8am Curious About Winchester

8am Curious About Southampton

8am Curious About Salisbury

8am Solent Go Change Challenge - Hythe

8:15am Macmillan Coffee Morning at Farleigh

School

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