

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE
HEARING TO CONSIDER AN APPLICATION FOR REVIEW OF A
SUBJECT PREMISES LICENCE –
COBDEN NEWS, 113 St. DENYS ROAD, SOUTHAMPTON
SO17 2FS

DATE OF HEARING FRIDAY 16 SEPTEMBER 2016 – 09:30 am

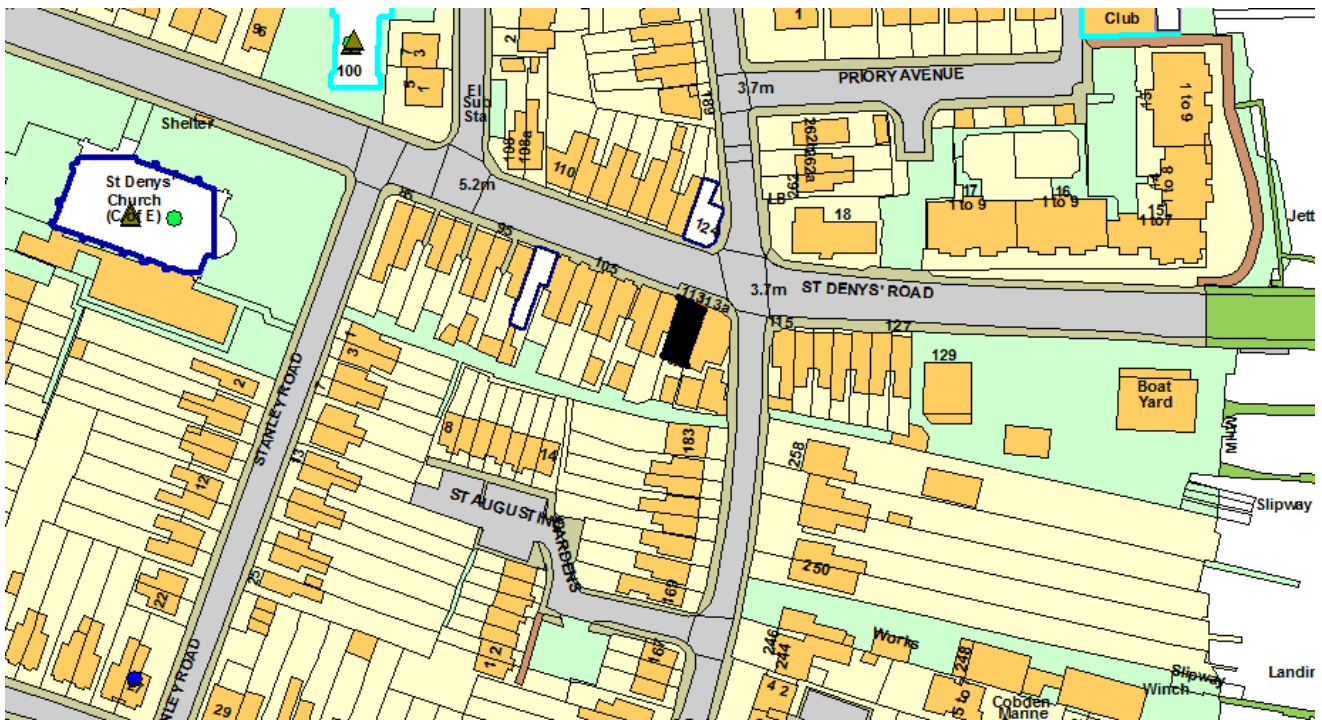
REPORT OF SERVICE DIRECTOR – TRANSACTIONS & UNIVERSAL SERVICES

E-mail licensing@southampton.gov.uk

Review application (Licensing Act 2003, section 51)

Application date: 28 JULY 2016 Received: 28 JULY 2016

Application valid : 28 JULY 2016 Reference : 2016/02299/01SRAP



© Crown copyright and database rights 2016 Ordnance Survey 100019679

Representations from Responsible Authorities

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

Other Representations

Name	Address	Contributor Type
	None received.	

Application form – Pages 5 -18

Further Evidence from Trading Standards - Page 19 - 29

Hampshire Constabulary Representation - Pages 30 - 34

Public Health Representation - Pages 35 - 37

The premises and the applications for review

The application for review relates to the following licensing objectives 1) The prevention of crime and disorder, 2) The protection of children from harm received from Trading Standards 28 July 2016

Licence holder - Mrs. Shavinder Sulh

Designated Premises Supervisor - Mrs. Shavinder Sulh

Application for conversion to the Licensing Act 2003 was received 03 August 2005 from Mrs. Shavinder Sulh

Current licence

Supply by retail of alcohol	The opening hours of the premises
Monday 08:00 - 23:00	Monday 08:00 - 23:20
Tuesday 08:00 - 23:00	Tuesday 08:00 - 23:20
Wednesday 08:00 - 23:00	Wednesday 08:00 - 23:20
Thursday 08:00 - 23:00	Thursday 08:00 - 23:20
Friday 08:00 - 23:00	Friday 08:00 - 23:20
Saturday 08:00 - 23:00	Saturday 08:00 - 23:20
Sunday 10:00 - 22:30	Sunday 10:00 - 22:50

Conditions, excluding mandatory.

1 EMBEDDED CONDITIONS FROM CHILDREN AND YOUNG PERSONS ACT 1933

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

2 EMBEDDED CONDITIONS FROM THE LICENSING ACT 1964

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the

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

End of Conditions on current licence.

Application for Transfer and Vary DPS received

On 01 August 2016 an application to transfer the premises licence was received by the licensing team stating Mrs. Amerjit Kaur as applicant. On the same date an application for Variation of the Designated Premises Supervisor was received stating Mrs. Amerjit Kaur as the applicant and Mr. Mohammad Hossain as the new DPS.

On 11 August 2016 an email was received from Amarjit Kaur withdrawing the application to transfer. The DPS variation was now no longer a valid application.

Legal Implications

1. Part 3 of the Licensing Act 2003 provides that a responsible authority or any other person may apply for review of a premises licence.
2. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the licensing authority and each of the responsible authorities.
3. On receipt of an application for review, officers will consider its validity under delegated powers. Reasons for rejection, in whole or in part, include:
 - that the grounds for review are not relevant to one of more of the licensing objectives and;
 - that the application is frivolous, vexatious or repetitious, unless it is made by a responsible authority.
4. The licensing authority must display a prescribed notice of the review application on the outside or adjacent the premises, on the authority's website and at the Civic Centre; the notice must remain on display for 28 days and any interested party or the responsible authorities may make representations in that period.
5. The licensing authority is then required to hold a hearing to consider the review.
6. In doing so the sub-committee must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives; the representations (including supporting information) presented by all the parties;
 - its own statement of licensing policy
 - the Statutory Guidance
7. In determining an application for review, the legislation provides that the sub-committee may take any (or none) of the following steps, as it considers necessary:
 - modify the conditions of the licence;

- exclude a licensable activity from the scope of the licence
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding three months
 - revoke the licence.
8. The Licensing Act 2003 provides for appeal to the Magistrates' Court against the sub-committee's decision in relation to an application for review by the premises licence holder and any other party who made a representation to the application.
9. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider the application in accordance, in particular, with both the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
10. The sub-committee must also have regard to:
- **The Crime and Disorder Act 1998**
Section 17 of the Crime and Disorder Act 1998 places the sub-committee under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
 - **The Human Rights Act 1998**
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the sub-committee to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the sub-committee that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the sub-committee which 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.
11. Copies of the application for review and the representations to it are annexed to this report.

Trading Standards Service

Southampton City Council
Civic Centre
Southampton SO14 7LY



Please ask for: Lucas Marshall
Our ref: 16/00621/OTHER
Your ref:

28th July 2016

Licensing Department
Civic Centre
Southampton
SO14 7LS



Dear Sir/Madam

Licensing Act 2003

Please find enclosed an application for the review of the premises licence relating to the following Premises Licence Holder:

Shavinder Sulh
Cobden News
113 St Denys Road
Southampton
SO17 2FS

Premises Licence Number: **2005/00835/01SPRC**

Yours faithfully



Lucas Marshall
Trading Standards Officer

cc.
Shavinder Sulh, Cobden News, 113 St Denys Road, Southampton SO17 2FS
Shavinder Sulh,
Jagjit Singh, 113 St Denys Road, Southampton SO17 2FS
Force Licensing Team, Hampshire Constabulary, Southampton Police Office, Civic Centre,
Southampton SO14 7LY
Environmental Health Services, Southampton City Council, Civic Centre Southampton SO14 7LY
Hampshire Fire and Rescue Service HQ, Business Fire Safety Leigh Road, Eastleigh Hampshire
SO50 9SJ
Planning and Sustainability Southampton City Council Civic Centre Southampton SO14 7LS
Children's Services Southampton City Council Civic Centre Southampton SO14 7LY
Public Health Southampton City Council, Civic Centre, Southampton SO14 7LS

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.



Southampton City Council

Application for the review of a premises licence or club premises certificate 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 Southampton City Council Trading Standards Service
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description
Cobden News, 113 St. Denys Road, Southampton

Post town Southampton

Post code (if known) SO17 2FS

Name of premises licence holder or club holding club premises certificate (if known)
Shavinder Sulh

Number of premises licence or club premises certificate (if known)
2005/00835/01SPRC

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Lucas Marshall (Trading Standards Officer) Trading Standards Service Southampton City Council Civic Centre Southampton SO14 7LY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

That the Premises Licence Holder, Shavinder Sulh, has failed to meet the Licensing Objective, to Prevent Crime and Disorder at Cobden News, 113 St Denys Rd, Southampton, in that she has repeatedly failed to comply with the mandatory condition on the premises licence which bans the sale of alcohol below the cost of duty and vat, an offence under Section 136 of the Licensing Act 2003.

That the Premises Licence Holder failed to meet the Licensing Objectives to Prevent Crime & Disorder and to Protect Children from Harm in that on 15th July 2016 alcohol was sold at that premises to a 17 year old person, an offence under Section 146(1) of the Licensing Act 2003.

Please provide as much information as possible to support the application
(please read guidance note 2)

On 7th June 2016, at approximately 12:35, I conducted a Trading Standards inspection of Cobden News, 113 St Denys Rd, Southampton. During the inspection I found 3 meat products past their use by dates, constituting offences under Food Safety and Hygiene (England) Regulations 2013 and Polish beers which were not labelled in English, as required under Food Information Regulations 2014. I also noted that the price of some of the alcohol such as the Polish beers was low, indicating that it might be illegal.

I advised the person who was working working alone in the shop at that time regarding the non-compliances, who identified himself as R [REDACTED] S [REDACTED]. I also asked him if I could see the store's record of refused sales of age restricted products, a system of diligence adopted by most premises that sell alcohol and other age restricted goods. R [REDACTED] did not understand what I was asking for, which concerned me. I asked R [REDACTED] if he was permitted to work in the UK. He said that he didn't understand.

R [REDACTED] made a telephone call and at 12:58 Jagjit Singh, who identified himself as the owner of the business, and H [REDACTED] S [REDACTED], who identified himself as the manager arrived at the premises. I asked them whether R [REDACTED] was permitted to work in the UK. Both stated that they did not know, and that R [REDACTED] did not work at the store. Given that I had witnessed R [REDACTED] as the only person in control of the premises for over 20 minutes it was clear that he was working there and I saw fit to report this matter to Immigration Intelligence. I left a notice at the premises which outlined the non-compliances found and also requested documentation relating to traceability (ie invoices) for the Polish beers, requesting that these be provided to me by 14th June.

On the evening of 14th June, having not received the requested invoices, I revisited the store. Again R [REDACTED] S [REDACTED] was working at the store on his own, at that time scanning food items. When he saw me he stepped away from the counter, made a phone call and subsequently left the store, leaving no one in control of the premises or to deal with customers. At that time a customer was trying to buy alcohol, but ended up leaving the shop. H [REDACTED] S [REDACTED] arrived at the store after R [REDACTED] had left. Again H [REDACTED] stated that R [REDACTED] was not working at the store, despite him clearly having been doing so. Whilst there I noted that beers labelled only in Polish were still displayed for sale and instructed H [REDACTED] to remove these from display. The invoices requested were not available.

On 17th June I revisited the premises with Police Licensing Officer PC Cherry. Prior to announcing ourselves PC Cherry, acting as a customer, made a test purchase of Karpackie Polish beer 9% 500 ml. The duty and VAT that would be levied on this product is approximately £1.28. There is a mandatory condition on premises licences that alcohol will not be sold below the cost of duty and VAT. The beer was sold to PC Cherry for £1.20. We then announced ourselves to the seller H [REDACTED] S [REDACTED]. I informed him that he could not sell the beer for only £1.20, and explained the reasons why. I also outlined my concerns that if he was able to sell the beer for less than duty and VAT then it was likely to be illegal, that duty had not been paid on it. I have included a statement from HMRC Officer David Fryer, HMRC in the appendix stating that it is not financially viable to sell the Karpackie for less than £1.28, and that it was likely to be from an illicit source. It is an offence under Regulation 12 of the Consumer Protection from Unfair Trading Regulations 2008, by virtue of Paragraph 9 of Schedule 1 of those Regulations, for stating or otherwise creating the impression that a product can legally be sold when it cannot. I asked for traceability documents relating to the Polish beers but H [REDACTED] was still unable to provide these to me. I left a notice at the premises requesting supply of invoices for the Polish beers by 27th June. Polish labelled beers were still displayed for sale and again I instructed him to remove these

from sale. I asked H [redacted] Si [redacted] whether R [redacted] Si [redacted] was permitted to work in the UK. He admitted that R [redacted] was not permitted to work in the UK. I understand that it is an offence under Section 21 of the Immigration, Asylum & Nationality Act 2006 to employ a person who is not permitted to work in the UK.

On 19th June another test purchase of Karpackie beer was made at the premises. H [redacted] r S [redacted] charged £1.20 for the beer. I asked H [redacted] why he had sold the beer for only £1.20 given my previous advice. He said that if he charged more customers would buy it elsewhere. Beers labelled in Polish only were still displayed for sale.

On 21st June I wrote to the Premises Licence Holder, Shavinder Suhl, and the business owner, Jagjit Singh, requesting traceability documentation for the Polish beers to be provided by 27th June, and outlining my concern that the business would not act in accordance with the mandatory condition on the premises licence, that they would not sell alcohol below the cost of duty + vat.

On 27th June I visited the premises. At that time the only person present at the store was A [redacted] Si [redacted]. He was unaware of my request for invoices and did not have them available. He tried to phone Jagjit Singh but there was no answer. Shortly after Jagjit called back He said he would e-mail traceability documents to me the next day. I Spoke to A [redacted] S [redacted] - he said that he was permitted to work in the UK but that he did not work at the premises - he then said that he worked there 3-4 hours twice per week but did not get paid. I asked him for the record of refused sales of age restricted products but he did not know what I was referring to. I asked him if he knew what 'Challenge 25' meant. He did not. I asked him how much he charged for the Karpackie beer - he said it was either £1.20 or £1.29.

On 29th June, having still not received the invoices I wrote to Jagjit Singh requesting him to attend interview regarding his failure to provide invoices for the Polish beer. Article 18 of EC Regulation 178/2002 states that traceability information must be produced on demand. Whilst a time limit is not given guidance provided by the Food Standards Agency states that this should be within a short timescale. Failure to do so constitutes an offence under Regulation 19 of the Food Safety & Hygiene Regulations 2013. Jagjit responded by text on 5th July stating that the invoices would be sent to me within the day, by 6th July. An invoice was finally received from him by e-mail but not until 21st July 2016, a copy of which is in the appendix. According to this invoice Jagjit Singh had purchased the Karpackie beer for £1.90 per can. It seems unlikely that Jagjit Singh would be willing to accept a loss of up to 90 pence on each can of Karpackie sold, so I can only assume that the invoice has been falsified. To this date Jagjit has not responded to my invite to attend interview.

On 13th July 2016 another test purchase of Karpackie beer was made at the premises. 4 cans of Karpackie were purchased for only £4. The person who appeared to be in charge, Am [redacted] S [redacted], said that if they sold the Karpackie beer for duty + vat or more customers would buy it elsewhere. He also said that Shavinder Sulh no longer has any involvement in the premises – effectively the Designated Premises Supervisor and Premises Licence Holder is absent.

Given my concerns regarding an apparent lack of diligence relating to prevention of under age sales on 15th July an under age test purchase was conducted at the premises. A 4 pack off Carlsberg lager was sold to a 17 year old child by P [redacted] S [redacted] K [redacted]. The Police employee, Sa [redacted] B [redacted], who witnessed the sale also made a purchase of strong beers, to ascertain whether they were still being sold below duty + VAT. She was charged only £2 for a can of Karpackie (9% 500ml), and Perla Mocna (7.5% 500ml), which would attract a total of £2.12 duty + vat. A refusal record and records of staff training were not available and the CCTV system was not functioning in that it could not record.

The premises has failed to act in accordance with the Licensing Objectives, to Prevent Crime & Disorder and to Protect Children from Harm. Advice regarding compliance has repeatedly not been heeded. There is an evident lack of control and diligence at the Premises, which can not be helped by the absence of the Designated Premises Supervisor. I would ask that revocation of the Premises Licence is considered. If this is not deemed appropriate I would ask that a lengthy period of suspension is imposed as a deterrent to further non-compliances and that the conditions outlined in the appendix are added to the Premises Licence.

Please tick yes

Have you made an application for review relating to this premises before

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 and when you made them

Please tick yes

- 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 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted Signature]

Date 29th July 2016

Capacity Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Trading Standards Service
Civic Centre
Southampton City Council

Post town
Southampton

Post Code
SO14 7LY

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [Redacted]

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.
6. See separate guidance for responsible authorities' details.

APPENDIX

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: David Glynn Fryer

URN:

Age if under 18: Over 18 (If over 18 insert 'over 18') Occupation: Officer of HM Revenue and Customs

This statement (consisting of one page 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: ¹ David Glynn Fryer

Date: 20/07/2016

Indicate if witness evidence is visually recorded² Y/N (If YES, see guidance)

3

I am employed by HM Revenue and Customs (HMRC) as a Criminal Investigator.

I lead on Investigating Excise duty evasion in Central Southern England for HMRC.

I have been asked by Lucas Marshall of Southampton Trading Standards to provide an excise duty calculation with regards to a 500 millilitre can of "Karpackie" Polish lager.

To find the excise duty on one can of 500ml beer you first have to convert the calculation to Hectolitres.

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

The bulk Hectolitre figure is multiplied by the ABV amount, in this case 9%.

$$0.005 \times 9 = 0.045 \text{ hl\%ABV}$$

The current duty rate is obtained from Part 12, Volume 1 of the Tariff.

Multiply the hl%ABV amount by the current Beer duty rate. The duty rate in 2016 is £23.85

The duty rate on one 500ml can is therefore $£23.85 \times 0.045 = £1.07$

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

$$£1.07 \times 20\% = 21.4\text{p} \quad £1.07 + 21\text{p} = £1.28$$

Therefore the minimum excise duty on a 500ml can at 9% ABV is **£1.28**.

This calculation does not include any VAT charged on the actual purchase price of the product.

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

Date: Select Date

Signature: Enter Name
(Signature of witness)Signature: Enter Name
(Signature witnessed by)**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**
Page 1 of 2

Registered Office:

[Redacted]

Invoice to: DAY PASS

Invoice No.

Date: 02-06-16

[Redacted]

Quantity	Description	Price	Total
10	TYSKI	23-99	239-90
10	LECH	23-99	239-90
15	ZLIBR	23-99	359-85
15	DEBOWE	23-99	359-85
15	PERLA	23-99	359-85
15	ZYWLEC	23-99	359-85
15	KARPACKIE.	38-15	190-75
15	PREMIER ESTATE WINE	18-49	277-35
Sub Total			2387-30
VAT			477-46
TOTAL			2864-76

Paid

Conditions

Traceability

The Premises Licence Holder must keep, for a period of 24 months from purchase, complete records, such as invoices, receipts and delivery notes, relating to purchase of alcohol which is present at the premises. Records must include the name, address and telephone number of the supplier, the date of supply, the products supplied, and their prices. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol and tobacco products present at his premises.

CCTV

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

CCTV warning signs to be fitted in public places.

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

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

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

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

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

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

Refusals book

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

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

The record of refusals will be retained for 12 months.

Challenge 25

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

restricted goods at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

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

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

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

Training

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol and other age restricted goods 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 and other age restricted goods. 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 age restricted goods, 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.

High strength alcohol products

No beers, ciders or lager of 6.5%ABV or over shall be sold by retail, excluding premium products as agreed in writing, in advance with the police licensing team.

Trading Standards Service

Southampton City Council
Civic Centre
Southampton SO14 7LY

Direct dial: [REDACTED]
Fax: 023 8083 2656
Email: [REDACTED]

Please ask for: Lucas Marshall
Our ref: 16/00621/OTHER
Your ref:

16th August 2016

Licensing Department
Civic Centre
Southampton
SO14 7LS

Dear Sir/Madam

Licensing Act 2003

Further to my application for review of the Premises Licence, no. **2005/00835/01SPRC** Cobden News, 113 St Denys Rd, Southampton I would add the following:

On 29th July I visited Cobden News to serve the Licence Review application. I spoke to the manager H [REDACTED] S [REDACTED] whilst there and he was able to produce a refusals book, which had recently been used, however it did not appear to have been consistently used (there were only 2 entries in 2015), and staff who had made the refusals were not identified in the record. I advised regarding use of the record and that staff should be trained on its use, given that some appeared completely unaware of it. Jagjit Singh arrived at the premises and I asked him if I could see records of training for staff on prevention of under age sales – he said that records were not kept and that staff are trained verbally. I asked if the store had the commonly used 'Challenge 25' policy, and he asked what I meant. I explained the policy to him and he said that this is what he does. I also checked the labelling of the Polish beers, and there were still products displayed for sale, such as Warka, Lech and Tyskie which were not labelled in English as required by the Food Information Regulations 2014.

On 8th August 2016 I conducted a recorded interview with Jagjit Singh. I attempted to establish the legal entity of the business which trades as Cobden News. Initially he said that he was the sole owner. On further questioning he said that it was a partnership, he and his wife A [REDACTED] K [REDACTED] were the partners. He said that it was not a Limited Company.

I was aware that at that time an application had been made to appoint Mohammed Hossain as a Designated Premises Supervisor (DPS) at Cobden News, and I asked Jagjit what he knew of Mr Hossain's background. He said that Mr Hossain had a shop and a couple of takeaways, but claimed that he did not know where. I have since established that the shop where Mr Hossain is a DPS is at Premier 505 Portswood Rd, which is owned by Dynamic Investments Ltd, of which Jagjit was a director, and Amarjit is currently a director and Premises Licence Holder at the premises. Jagjit said that Mr Hossain had been working at Cobden News for the past two weeks, for only 2 hours twice per week, which I would not consider sufficient supervision for the premises.

I asked Jagjit why Cobden News had repeatedly sold alcohol for less than the price of duty+vat: his reasoning for this was so that he could compete with the low prices charged for the beer by other shops.

I questioned Jagjit regarding the invoice that he had provided relating to his purchase of Polish beers, and which indicated that he was paying the wholesaler £1.90 per can of Karpackie beer, and I asked him how he was able to make a loss of up to 90 pence for each can that he sold. He did say that he made a loss on the Karpackie beer, however he also stated that the wholesaler supplies a greater number of cases than is itemised on the invoice. In my opinion this is to disguise the low price that is being charged for the beer. He also said that he does not order beer from the wholesaler, rather they arrive at Cobden News sporadically in a van and offer beer to him. I believe it likely to that the Karpackie beer was illegal in that it was not UK duty paid, which is also the opinion of HMRC Officer David Fryer – a copy of his statement is included in the application. It is an offence under Section 144 of Licensing Act 2003 to keep any goods at a premises which have been imported without payment of duty and Home Office Guidance states that at premises where this has taken place revocation should be considered in a first instance.

Regarding the under age sale at the premises I had asked Jagjit to bring details of training that had been given to staff to the interview, but he failed to do so.

On 10th August 2016 PC Boucouvalas and I met with Amarjit Kaur, as she had made an application to transfer the licence into her name which I understand has now been withdrawn. She confirmed that the business which trades as Cobden News is St Denys Mini Mart Ltd. Regarding Mohammed Hossain she confirmed that he would continue to work at Premier, 505 Portswood Rd, and that he was working for 2-3 hours twice per week at Cobden News. She said that he had recently had a child, and hadn't been at the shop so often and this was also why he could not attend this meeting.

Regarding the repeat sale of alcohol below duty+vat at the premises Amarjit said that she had altered the prices on their till to legal prices, however her staff had decided to charge lower prices – this seems unlikely in that the staff would not personally benefit from doing so. Regardless Jagjit and Amarjit should have checked that their staff were charging an appropriate price for the alcohol. For information Amarjit Kaur is the Premises Licence Holder at Premier, 505 Portswood Road. On 14th July I visited that premises and the Karpackie beer was being sold for only £1 per can, despite the repeat advice and warnings that had been given at Cobden News.

During our meeting with Amarjit Kaur she stated that she had worked at Tesco for 2 years, and had applied the same diligence procedures at Cobden News as she had there. She showed a record of training for P [redacted] S [redacted], however she had no such records for other staff that I had found working at the premises, including A [redacted] Si [redacted] and R [redacted] r S [redacted]. She appeared to believe that it was of less importance to train staff who worked at the shop on an ad hoc basis. With regard to R [redacted] r S [redacted] I understand from the manager at Cobden News, H [redacted] r S [redacted], that he is not permitted to work in the UK. It is an offence under Section 21 of the Immigration, Asylum and Nationality Act 2006 to employ such a person. Both Jagjit and Amarjit claimed that they did not know that R [redacted] r S [redacted] was working there, and that Ha [redacted] had let him work there. If a business is unaware as to who is working at their premises it is not under adequate control.

Amarjit was questioned regarding the Licensing Objectives, but was completely ignorant of what these were. She said that she hadn't been focussing on the business and intended

increase the number of hours that she spends at Cobden News to 3 hours per day on weekdays.

Both Amarjit and Jagjit have laid the blame for the non-compliances which have occurred at Cobden News on their staff, however they are responsible for the suitability of the staff that they employ, for the training of their staff and ensuring that the staff have acted in accordance with their training, which they have failed to do.

Regarding Shavinder Suhl's involvement in Cobden News both Jagjit and Amarjit said that she had helped out at the shop following their purchase of the business, but that she had not been there for 2-3 months as she had been in India. I have spoken to Shavinder Suhl who said that she had not worked at the shop for over 2 years. Whilst as Premises Licence Holder and Designated Premises Supervisor Shavinder had a duty to ensure that the Licensing Objectives were being met, her ability to do so was compromised by her lack of involvement and control over the business.

I have enclosed copies of letters sent by Trading Standards to Cobden News relating to non-compliances found at that premises, and a copy of an e-mail from Adrian Vinson, of Portswood Central Residents Association, which supports the application for review of the premises licence for Cobden News.

Yours faithfully



Lucas Marshall
Trading Standards Officer

Trading Standards Service

Southampton City Council
Civic Centre
Southampton S014 7LY

Direct dial: [REDACTED]

Fax: [REDACTED]

Please ask for: Lucas Marshall

Our ref: 14/00617/FOODST

Email: [REDACTED]

Your ref:

22nd May 2014

Amajit Kaur
348 Portswood Road
Southampton
Hampshire
SO17 3SB

Dear Mrs Kaur

Food Safety Act 1990
Food Labelling Regulations 1996

On 15th May 2014 I conducted an inspection at your premises, Premier, 113 St Denys Rd, Southampton, during which I found 7 food items past their use by date. It is an offence under the above Regulations to have food in possession for sale which has passed its use by date. One of these, a meat product, dated back to 1st May 2014. Please be aware that it is your responsibility, rather than the suppliers, to rotate the stock.

I will revisit the store in the near future. If food items continue to be found past their use by date further legal action will be taken by this Service, so I would strongly advise that in future you rotate your stock properly.

I understand from your employee P [REDACTED] i K [REDACTED] that you have owned the business for about 3 months, however you do not appear to have transferred the licence to sell alcohol. I have reported this matter to the Council's Licensing Department. Regarding licensing it concerned me that P [REDACTED] was unaware of basic requirements, such as not selling alcohol to drunks. I would strongly advise that you implement training immediately regarding the licensing requirements, including prevention of under age sales, and to keep records of such training. It is advisable to apply a 'Challenge 25' policy to alcohol and cigarette sales: anyone who looks under the age of 25 must be asked for appropriate identification, such as passport, driving licence, PASS card. I would also advise that details of refused sales are recorded: the date and time, what was refused, why it was refused, a brief description of the child and who refused the sale. If you have any queries, or need further advice, please contact me on [REDACTED]

Yours sincerely

[REDACTED]
Lucas Marshall

Trading Standards Officer

Cc Premier, 113 St Denys 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.

Trading Standards Service
Southampton City Council
Civic Centre
Southampton SO14 7LY

Direct dial: [REDACTED]
Fax: [REDACTED]

Please ask for: Lucas Marshall
Our ref: 14/00617/FOODST

Email: [REDACTED]

Your ref:

28th August 2014

Amajit Kaur
St Denys Mini Mart Ltd
348 Portswood Road
Southampton
Hampshire
SO17 3SB

Dear Mrs Kaur

Food Safety Act 1990
Food Labelling Regulations 1996

On 15th May 2014 I conducted an inspection at your premises, Premier, 113 St Denys Rd, Southampton, during which I found 7 food items past their use by date. It is an offence under the above Regulations to have food in possession for sale which has passed its use by date. One of these, a meat product, dated back to 1st May 2014. On 22nd May 2014 I posted a warning letter to you regarding this matter, in which I advised you to rotate stock and stated that I would revisit the shop in the near future and that further legal action would be taken if further such offences were found.

On 25th June 2014 I revisited your shop and found three items past use by date, one of which dated back to 20th June, so had clearly been missed by your staff over a number of days. It concerned me that possession for sale of food past its use by date continued to be an issue at this shop, despite my advice and warning letter, and on 26th June I wrote to you, inviting you to attend interview regarding the alleged offences. On 29th July, having had no response to my letter, I revisited the premises, and again found a food item past its use by date.

On 12th August I interviewed you regarding these matters. It became clear that appropriate due diligence had not been exercised in the prevention of the alleged offences. I would strongly advised that daily checks are made on the dates of food, that staff are trained regarding rotation of food and that someone in a management position, such as yourself, routinely checks the dates too. I would also recommend that you keep daily check sheet records for use by date checks, in which the member of staff conducting the check records the date, time, their name, how many items they removed from sale which had passed their date and signs the document.

My manager has decided that on this occasion you this matter will be dealt with by way of this warning letter. I hope that this one will be more effective than the last. I will revisit your premises and if this continues to be a problem further legal action will be taken against you and St Denys Mini Mart Ltd. If you have any queries, or require further advice, then please contact me on 02380 [REDACTED].

Yours sincerely

[REDACTED]

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

Direct dial: [REDACTED]

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

21st June 2016

Shavinder Sulh
Cobden News
113 St. Denys Road
Southampton
SO17 2FS

Dear Ms Sulh

Consumer Protection from Unfair Trading Regulations 2008
Food Safety and Hygiene (England) Regulations 2013
Food Information Regulations 2014
EC Regulation 1169/2011
Licensing Act 2003

On 7th June 2016 I conducted an inspection of your premises, Premier, 113 St Denys Rd, Southampton. During the inspection I found the following non-compliances:

- 3 food items, meat products past use by date, constituting offences under Food Safety and Hygiene (England) Regulations 2013
- Polish beers which did not bear food labelling in English, as required under Food Information Regulations 2014

I discussed these matters with the only person working in the shop at that time, who identified himself as R [REDACTED] S [REDACTED]. I also asked him if I could see the store's refusals record. R [REDACTED] did not understand what I was asking for. Keeping a record of refused sales of age restricted goods is a basic part of a business's diligence systems relating to prevention of under age sales, and it concerned me that the member of staff working behind the counter did not know what such a record was.

R [REDACTED] made a phone call and shortly after two men arrived at the store, Jagjit Singh, who identified himself as the business owner, and H [REDACTED] r S [REDACTED] h who said that he was the manager. I asked them whether R [REDACTED] r was permitted to work in the UK. Both stated that they did not know, and that R [REDACTED] r did not work at the store. Clearly he was working there and given their responses I saw fit to report this matter to Immigration Intelligence.

I left a notice with Jagjit and H [REDACTED] r Si [REDACTED] which outlined the non-compliances found and also requested documentation relating to traceability (ie invoices) for the Polish beers that you sell, requesting that these be provided to me by 14th June: the Food Safety and Hygiene (England) Regulations 2013 require you to keep traceability information relating to food, and it is an offence under those Regulations if you are unable to provide these to an authorised Officer.

On the evening of 14th June, having not received the requested traceability documentation, I revisited the store. Again Ra [REDACTED] Si [REDACTED] was working at the store on his own, at that time scanning food items. When he saw me he stepped away from the counter, made a phone call (he said that this was to his boss) and subsequently left the store, leaving no one in control of the premises or to deal with customers. H [REDACTED] r Si [REDACTED] arrived at the store after R [REDACTED] had left.

Again H [redacted] r stated that R [redacted] was not working at the store, despite him clearly having been doing so. I noted that beers labelled only in Polish were still displayed for sale and instructed Harjinder to remove these from display.

On 17th June I revisited the store with Police Licensing Officer PC Cherry. Prior to announcing ourselves PC Cherry made a test purchase of Karpackie Polish beer 9% 500 ml. The duty and VAT that would be levied on this product is approximately £1.30. There is a mandatory condition on premises licences that alcohol will not be sold below the cost of duty and VAT. The beer was sold to PC Cherry for £1.20. We then announced ourselves to the seller H [redacted] r Si [redacted]. I informed him that he could not sell the beer for only £1.20, and explained the reasons why. I also outlined my concerns that if he was able to sell the beer for less than duty and VAT then it was likely to be illegal, that duty had not been paid on it.

I asked for traceability documents relating to the Polish beers but H [redacted] r was unable to provide these to me. He phoned someone that he identified as Sunny who spoke to me on the phone. I asked Sunny whether he worked for your business. He said that he did not. He said that I should have asked him for the traceability documents. I told him that I had asked the manager H [redacted] r Si [redacted] and Jagjit Singh, who identified himself as the business owner, so why should I need to ask someone who said that he was not involved in the business. Sunny put the phone down on me. I left a notice with H [redacted] r requesting supply of invoices for the Polish beers by 27th June.

Polish labelled beers were still displayed for sale and I instructed him to remove these from sale. Again I asked Ha [redacted] Si [redacted] whether Ra [redacted] r S [redacted] was permitted to work in the UK. He admitted that R [redacted] was not permitted to work.

On 19th June another test purchase of Karpackie beer was made at your premises. Ha [redacted] r S [redacted] charged £1.20 for the beer. I asked H [redacted] why he had sold the beer for only £1.20 given my previous advice. He said that if he charged more customers would buy it elsewhere. Beers labelled in Polish only were still displayed for sale.

It concerns me that your premises has failed to act in accordance with a mandatory condition on the premises licence, and repeatedly failed to heed advice regarding legal requirements.

Again I request invoices relating to purchase of your Polish beers, for the past 6 months, to be provided to me by 27th June 2016. I would ask that we meet on that date at your premises, and that you ensure that the premises is compliant. I would also ask that you confirm the status of R [redacted] S [redacted], ie whether he is legal to work in the UK, and ideally provide documentation evidencing his status. Please contact me by e-mail, [redacted], or on [redacted] to arrange a convenient time.

Yours sincerely

[redacted]
Lucas Marshall
Trading Standards Officer
Cc Jagjit Singh

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.

Trading Standards Service

Southampton City Council
Civic Centre
Southampton S014 7LY

Direct dial: [REDACTED]

Email: [REDACTED]

Please ask for: Lucas Marshall

Our ref:

Your ref:

29th June 2016

Jagjit Singh
Cobden News
113 St. Denys Road
Southampton
SO17 2FS

Dear Mr Singh

**Food Safety and Hygiene (England) Regulations 2013
EC 178/2002
Consumer Protection from Unfair Trading Regulations 2008
Licensing Act 2003**

I write with reference to my letter of 21st June 2016, in which I requested documentation, such as invoices, relating to traceability of Karpackie beer which I found for sale in your shop, Cobden News, 113 St Denys Rd, Southampton.

I have not yet received this documentation. I had initially asked for it to be produced by 14th June 2016, however you failed to do so. I then requested it to be produced by 27th June 2016. I visited Cobden News on that date, however the documentation was still not available. I spoke to you by phone at that time and you stated that you would forward the information to me by e-mail on 28th June. You have not done so.

It is an offence under Regulation 19(1) of the Food Safety and Hygiene (England) Regulations 2013 to breach the traceability requirements of Article 18(2) of EC 178/2002. The reason that the Karpackie beer is of interest to me is because it was being sold at a price less than the duty and VAT liable on the product. There is a mandatory condition on the Premises Licence that alcohol will not be sold for less than duty + VAT. I also believe it is likely that the beer is illegal, ie non-UK duty paid, and it is an offence under Regulation 12 of the Consumer Protection from Unfair Trading Regulations 2008, by virtue of Paragraph 9 of Schedule 1 of those Regulations, for stating or otherwise creating the impression that a product can legally be sold when it cannot.

I would like to arrange a formal interview with you to discuss this matter, at this office. This interview will be audio recorded in accordance with the Police and Criminal Evidence Act 1984 and associated Codes of Practice, and you are advised to seek legal advice if you wish to do so. You are entitled to have your solicitor present at the interview.

Please bring invoices relating to your purchase of Karpackie beer intended for sale from Cobden News for the last 6 months. I will also use this opportunity to discuss Ravinder Singh's employment at the store. Your manager, Ha [REDACTED] r Si [REDACTED], has stated that R [REDACTED] r is not permitted to work in the UK. I would ask that you bring a copy of R [REDACTED] r Si [REDACTED] Residence Permit detailing his current status.

The interview will be conducted at The Gateway, One Guildhall Square, Southampton, SO14 7FP. Please contact me by e-mail, [REDACTED], or on [REDACTED] or [REDACTED] to arrange a convenient date.

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.

Marshall, Lucas

From: [REDACTED]
Sent: 15 August 2016 14:04
To: Marshall, Lucas
Subject: FW: RE: Ref. 2016/02299/01SRAP - Cobden News 113 St Denys Road SO17 2FS

Lucas

Mr Vision has sent us an email as regards the above review. It does not constitute a valid representation but they would like to support yours.

Regards

Russell Hawkins
Enforcement Officer
Legal and Democratic Services
Southampton and Eastleigh Licensing Partnership
Southampton City Council

[REDACTED]
[REDACTED]
web: www.southampton.gov.uk/licensing and licensing.eastleigh.gov.uk
post: Licensing - Southampton City Council, PO Box 1767, Southampton SO18 9LA

Please note:- This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, the Data Protection Act 1998 or the Environmental Information Regulations 2004. SCC does not make legally binding agreements or accept formal notices/proceedings by email. Emails may be monitored. This e-mail (and its attachments) is intended only for the use of the person(s) to whom it is addressed and may contain information which is privileged and/or confidential. If it has come to you in error you must take no action based on it, nor must you copy or show it to anyone.

From: [REDACTED]
Sent: 15 August 2016 13:52
To: Licensing [REDACTED]
Subject: Re: RE: Ref. 2016/02299/01SRAP - Cobden News 113 St Denys Road SO17 2FS

Dear Karen Head,

I wrote, on behalf of Portswood Central Residents Association which is affected by these premises, in support of the application by Southampton City Council Trading Standards' application for a review. The evidence is supplied by Trading Standards in their application statement which we wish to support in view of the seriousness of the matters unearthed in Trading Standards' investigations.

Yours,

Adrian Vinson

PCRA Committee Member for Licensing

-----Original message-----

From : [REDACTED]@southampton.gov.uk
Date : 15/08/2016 - 11:15 (GMTST)
To : [REDACTED]
Subject : RE: Ref. 2016/02299/01SRAP - Cobden News 113 St Denys Road SO17 2FS

Dear Mr Vinson,

Thank you for your e-mail.

Can you please supply some supporting evidence that you wish to be considered by the committee.


Kind Regards

Karen Head

Licensing Officer

Southampton and Eastleigh Licensing Partnership

Southampton City Council


 023 8083 3245



[redacted]

This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, the Data Protection Act 1998 or the Environmental Information Regulations 2004. If you are not the person or organisation it was meant for, apologies, please ignore it, delete it and notify us. SCC does not make legally binding agreements or accept formal notices/proceedings by email. E-mails may be monitored.

This e-mail (and its attachments) is intended only for the use of the person(s) to whom it is addressed and may contain information which is privileged and/or confidential. If it has come to you in error you must take no action based on it, nor must you copy or show it to anyone"

 *Think of the environment...please don't print this e-mail unless you really need to*

From: [redacted]

Sent: 14 August 2016 15:34

To: Licensing <[redacted]>

Subject: Ref. 2016/02299/01SRAP - Cobden News 113 St Denys Road SO17 2FS

Dear Licensing,

I am writing on behalf of Portswood Central Residents Association to register our support for the application of Trading Services for a review of the above premises licence on the grounds of prevention of crime and disorder and protection of children from harm.

We regard the breeches of licensing law and regulations detailed in the submission of trading standards - and especially the sale of alcohol to under-age persons - as matters to be addresses with utmost seriousness.

Yours,

Adrian Vinson

PCRA Committee Member for Licensing



Hampshire Constabulary

Police Licensing
Civic Centre
Southampton
Hampshire
SO14 7LY

Licensing Authority
Southampton City Council
Civic Centre
Southampton
Hampshire
SO14 7LY

Telephone: 101
Direct Dial: 02380 478373

Fax number:
Minicom TextRelay: 18001 101

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

Our ref: 44080559174
Your ref: 2005/00835/01SPRC

29/07/2016

Dear Southampton City Council,

I am writing to confirm receipt of the application for premises licence review for Cobden News, 113 St Denys Road, Southampton, SO17 2FS submitted by Southampton City Council Trading Standards department.

Hampshire Constabulary supports this review application and makes representation on behalf of the Chief Officer of Police under the following licensing objectives.

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

Hampshire Constabulary is concerned by the poor operation of the premises which is clearly affecting the licensing objectives.

We have paid particular attention to the breach of mandatory premises licence conditions and to the witness statement of Mr Fryer, a criminal investigator of HM Revenue & Customs which notes alcohol supplied from this premises on a number of test purchases which show indication of illicit sourcing.

The supply of alcohol at below the duty rate + value added tax is against the mandatory conditions of premises licence authorisations and a criminal offence under S.136 of the Licensing Act 2003 – *'carry on unauthorised licensable activity'*.

Hampshire Constabulary and Trading Standards conducted a test purchasing exercise on the 15th July 2016. A 17-year-old child successfully purchased 4 x 500ml cans of Carlsberg lager.



Hampshire Constabulary

Chief Constable Andy Marsh

This was witnessed by a Police staff member Ms Barrett who was present in the store. Shortly afterwards Ms Barrett successfully purchased alcohol at below the duty rate + value added tax as referred to by Mr Marshall in the application.

Mr Marshall and I found that CCTV was installed on the premises but was not in operation. Training records for staff were also not available. Whilst there was no obligation to have training or CCTV operating on these premises, it demonstrates a lack of due diligence expected from licensed premises across Southampton.

The staff member responsible for these sales declined to be interviewed without prior legal advice however the interview was facilitated at a later date and the staff member was eventually issued with a £90 penalty notice for the sale of alcohol to children.

Hampshire Constabulary invites the Licensing authority to consider the revised Home Office Guidance issued under S.182 of the Licensing Act 2003, particularly to sections 11.27, and 11.28. These state certain criminal activity in connection with licensed should be treated particularly seriously which included the use of licensed premises for the sale or storage of smuggled tobacco and alcohol. There are clearly concerns over the source of the alcohol supplied on this premises.

This guidance also states that should the authority determine the crime prevention objective is being undermined through the premises being used to further crimes, revocation of the licence even in the first instance should be seriously considered.

Due to the nature of what has taken place, it is Hampshire Constabulary's view that the Licensing Authority could consider the revocation of this premises licence. In the event the committee choose not to revoke the premises licence, a suspension of the licence should be considered as a deterrent to such practices.

Please find attached a witness statement from Ms Barrett regarding her involvement on the 15th July 2016.

Yours sincerely,

[REDACTED]
Police Constable 25323 A BOUCOUVALAS
Force Licensing Department

WITNESS STATEMENT

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

Statement of: Police Staff 1 [redacted] BARRETT URN [redacted]
Age if under 18: O18 (if over 18 insert 'over 18') Occupation: [redacted]

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature [redacted] (witness) Date: 29/07/2016

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

I am Police Staff 15527 BARRETT of Hampshire Constabulary currently stationed at Southampton Neighbourhood Police Office.

I am a [redacted] 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.

Signature [redacted] Signature witnessed by:

On Friday 15th July 2016 from 1840 to 2330 hours I participated in a test purchase operation with one test purchaser. The Test purchaser was a male aged 17 years old.

I was in plain clothes together with PC 25323 BOUCOUVALAS and Lucas MARSHALL (Trading Standards). Our role in the operation was to monitor the test purchasers at all times, ensure their safety and give evidence in relation to any offences committed and to deal with any offences committed by the premises.

At approximately 1934 hours I attended the Premier Store, St Denys Road. The test purchaser and I entered the premises and went straight to the alcohol aisle. The test purchaser chose the alcohol (4 x cans of Carlsberg) and we both went to the counter. There was an Asian male, in his 20's of a larger build with jet black hair and wearing a black jacket and blue t-shirt behind the till. The test purchaser put the alcohol onto the counter, during this time I was stood next to the test purchaser.

The male behind the counter scanned the alcohol and said to the test purchaser the price of the alcohol, the male did not ask the test purchaser for any identification. The test purchaser handed the money to the male and the male then put the alcohol in the bag and gave the test purchaser the change.


The test purchaser and I then left the store and walked back to the car where PC BOUCOUVALAS and Lucas MARSHALL were. The cans of Carlsberg were seized in evidence and I produced them as SB/PSD/01.

At 1940 hours a second test purchase was then conducted. I went back into the premises (without the test purchaser), I went straight to the alcohol aisle and picked up two cans of 500ml Karpackie (9% ABV). I took both cans to the till area and put them onto the counter. The same Asian male as the first test purchasing was still behind the till and served me. The male scanned both cans and advised that the total cost was £2.60. I informed the male that I only had £2; he said that he was unable to sell them lower than this price. He then looked at the cans and said he was unable to sell two of these cans as Trading Standards had been in the premises two days previously and he was told he could not do this. I put one of the Karpackie cans to the side and said that I would only need one of the cans; he asked if I wanted anything else and I said "NO THANKS". He took one of the cans off the till and informed me the new price was £1.30. I handed him the money and he gave me 70 pence change.

As I picked up the can he then advised that I could choose another can and he would only charge me 70 pence for this can. I asked if I could choose any can and he advised that I could choose any can as long as it was not a can of Karpackie as he could not serve me this. I then went back to the alcohol aisle and selected a can of 500ml Perla (7.6% ABV). I then went back to the till area and placed this item onto the counter. The male then scanned this item, on the till it showed as being £1.30, I then saw the word void appear on the screen and then a new price showed of 70 pence. I gave the male the 70 pence and then picked up both cans and left the store. The male did not ask me for identification on either sale.

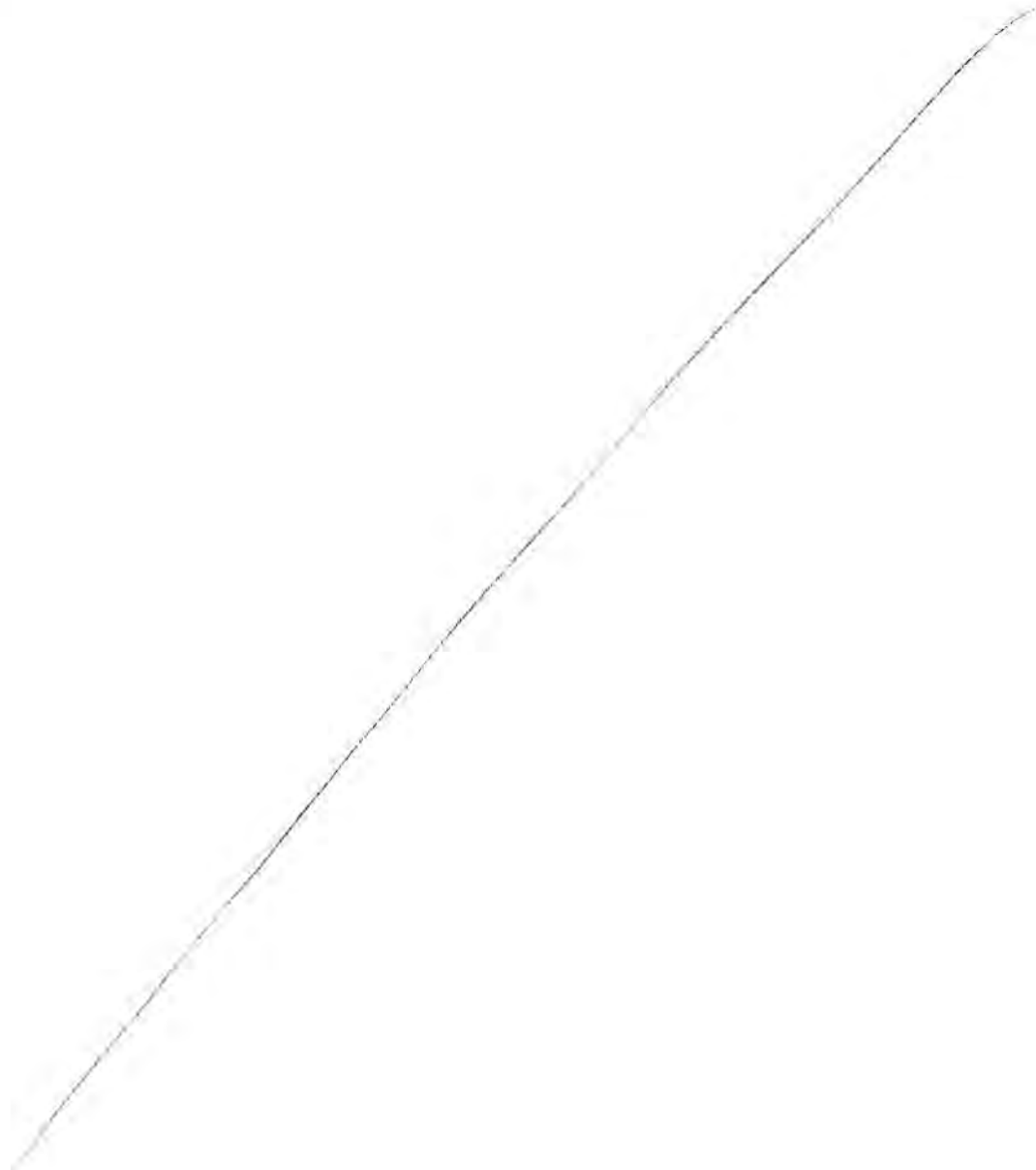
After leaving the premises I then went back to the car and explained to PC BOUCOUVALAS and

Signature 

Signature witnessed by: 

Lucas MARSHALL what had happened. I then explained that it was the same male that had previously sold the alcohol to the test purchaser. I then went back to the shop and pointed out the male to PC BOUCOUVALAS and Lucas MARSHALL. I then went back to the car with the test purchaser.

Both cans of alcohol were seized in evidence and I produced them as SB/PSD/02. I also produce a photograph of these cans as SB/PSD/03; I also took a photograph of the Carlsberg as SB/PSD/04.



Signature: 

Signature witnessed by:

PUBLIC HEALTH SOUTHAMPTON
Southampton City Council
Civic Centre
Southampton
SO14 7LY



Licensing Department
Civic Centre
Southampton
SO14 7LS

Direct dial: [REDACTED]

Email:

bob.coates [REDACTED]

23rd August 2016

Dear Sirs

Re Cobden News Premises License Review

Public Health, Southampton City Council are writing in support of Trading Standards Service, Southampton City Council application to review the above premises license, on two grounds:

1. The prevention of crime and disorder
2. The protection of children from harm

The prevention of crime and disorder

The premises repeatedly sold cans of Karpackie 9% 500ml beer below the price of duty + VAT, which is £1.28 on this product (there is a mandatory condition on all alcohol licences stating that alcohol cannot be sold below duty + vat). They were selling it for as little as £1, the only reason given for selling at such a low price was that if they priced it any higher customers would go elsewhere. Also of concern is that high strength Polish beers were on sale, not labelled in English.

It is known that these high strength Polish lagers are often favoured by those most vulnerable and in particular street drinkers.

The following information comes from an Insight Report undertaken in 2015 by Health Promotion Service with street drinkers in the city centre and St Denys areas.

“All the participants were regular drinkers. Cider (e.g White Lightning) and high-strength lager (especially Polish lager e.g. Perla) were by far the most popular choice of drink. To a lesser extent drinkers drank wine and vodka. Many of the participants said they drank between 6-10 cans of high- strength lager and all the cider drinkers reported drinking 6 or more litres per day. Therefore the lager drinkers reported drinking approximately 31 – 52 units per day and the cider drinkers approximately 33 units per day. This is clearly significantly higher than the Public Health England recommended guidelines of 2-3 units for a female and 3-4 units for a male.”

Due to the high alcohol content and amounts consumed most of those interviewed had regular attendances at the Emergency Department of Southampton General Hospital, putting strain on an already overburdened health service.

The protection of children from harm

On 15th July alcohol was sold at the premises to a child. Diligence systems regarding prevention of underage sales appears lacking, with not all staff having been trained regarding appropriate precautions.

We are very concerned that a four pack of Carlsberg lager was sold to a 17 year old child, with no apparent checks to confirm their age. And that staff working on the premises had no understanding of “Challenge 25” or records of refused sales of age restricted products.

Southampton is an outlier in terms of underage alcohol related hospital admissions. In England in 2012 the most common location for consuming alcohol for children is at their own or someone else’s home (78%). The percentage of underage drinkers consuming alcohol in the off trade has been significantly higher than in the on-trade; since 2006 no more than 10% of underage drinkers have reported consuming alcohol in pubs, clubs or bars. (Institute of Alcohol Studies 2013).

Regular, heavy alcohol consumption and binge drinking in young people are associated with physical health problems, anti-social behaviour, violence, accidents, suicide, injuries and road traffic accidents. Alcohol consumption can also have a major impact on school performance. Recent studies also suggest that alcohol can cause neurological effects into adulthood.

The Data for Southampton was published in national datasets in May 2016: At 78/100,000 the rate of admission in Southampton children fits the profile from regions in the North of England where alcohol harms are at their highest. It lags a long way behind the SE regional average.



The number of admissions for under 18s is reported as a 3 year “rolling” average in national and local datasets. Latest data reveal 112 admissions over 36 months in Southampton between 2012 and 15, an average of 3 admissions per month (but with significant variability), overall significantly higher than the England average. The majority of children admitted are older teenagers, aged 16-17. It is less common for younger ages to present, but a small

number do. The spine chart above clearly indicates the outlying position in Southampton in the years 2012 – 15.

We are very concerned that premises who do not adhere to licensing regulations are fuelling the health issues of underage drinking and contributing to the problems of very vulnerable street drinkers. So would strongly support this review.

Yours sincerely



Dr Bob Coates
Acting Interim Director of Public Health
Public Health Team