

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR REVIEW OF A PREMISES LICENCE

Euro Food Stores, 1-2 The Colonnade, Bridge Road, Southampton, SO19 7QT

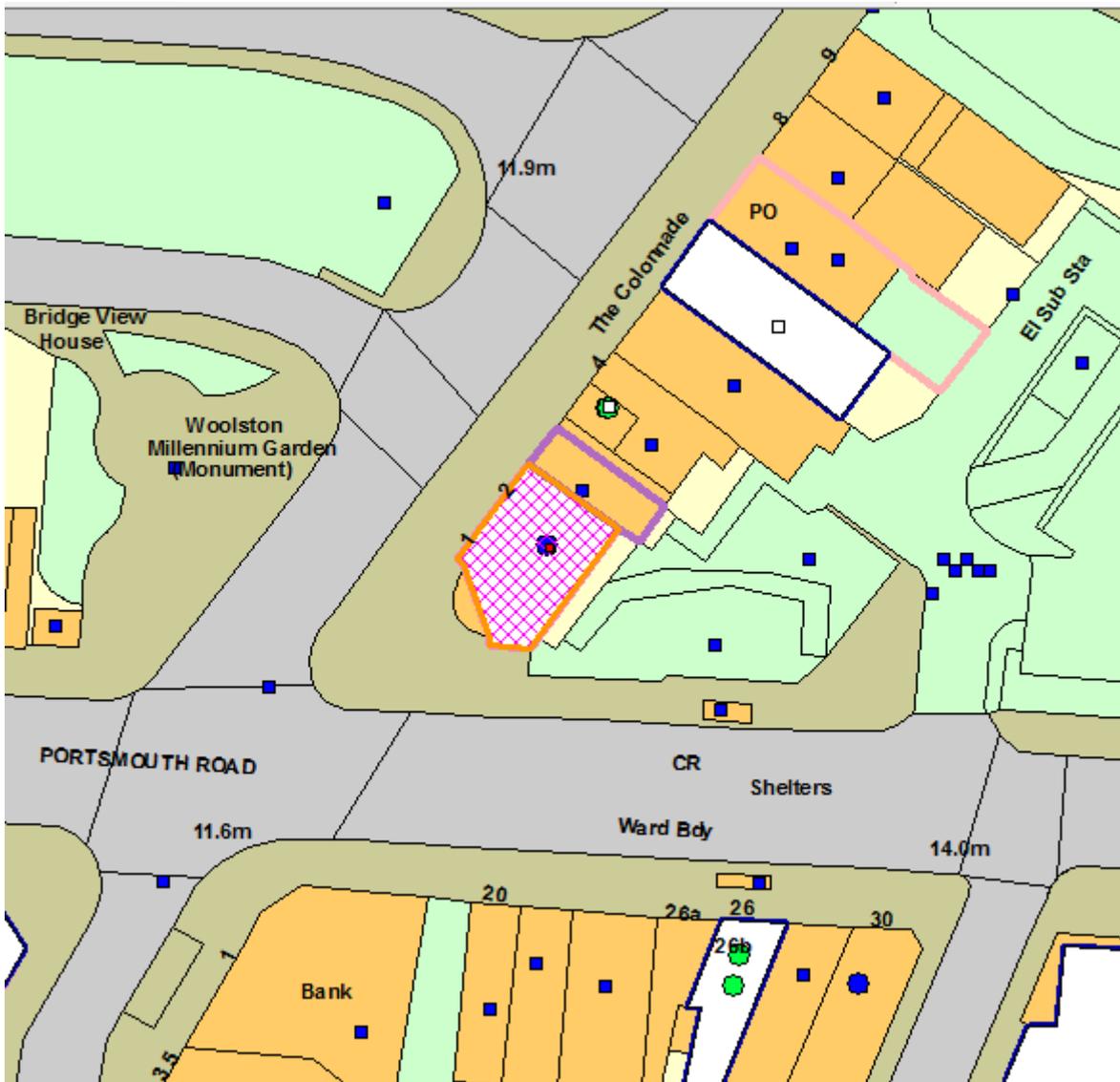
DATE OF HEARING 23rd July 2018 at 9:30am

REPORT OF SERVICE DIRECTOR – TRANSACTIONS & UNIVERSAL SERVICES

E-mail licensing@southampton.gov.uk

Application Date : 6th June 2018 Application Received 6th June 2018

Application Valid : 6th June 2018 Reference : **2018/02199/01SRAP**



Responses From-Responsible Authorities

Responsible Authority	Responses
Children Services - Licensing	No
Home Office	No
Hampshire Fire And Rescue - Licensing	No
Environmental Health - Licensing	No
Public Health - Public Health Manager	Yes - Supporting Review Application
Planning & Sustainability - Development Control - Licensing	No
Police - Licensing	No
Trading Standards – Licensing	Applicant

Other Representations

Support for Premises

Name	Address	Contributor Type
None	None	None

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 an administrative 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. **Relevant Representation**
Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written representation should be served upon all parties in good time before the hearing date in order to allow proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied upon at the hearing.
12. Copies of the application for review and the representations to it are annexed to this report.

Summary of application

Premises Licence Holder	Yanni Store Ltd.
Designated Premises Supervisor	Mr. Huner Hussen Jabber

Licensable Activities.

Supply by retail of alcohol	The opening hours of the premises
Monday 08:00 - 23:00	Monday 06:00 - 23:00
Tuesday 08:00 - 23:00	Tuesday 06:00 - 23:00
Wednesday 08:00 - 23:00	Wednesday 06:00 - 23:00
Thursday 08:00 - 23:00	Thursday 06:00 - 23:00
Friday 08:00 - 23:00	Friday 06:00 - 23:00
Saturday 08:00 - 23:00	Saturday 06:00 - 23:00
Sunday 08:00 - 23:00	Sunday 06:00 - 23:00

The application for review relates to the concerns regarding the possession and repeat sale of illegal cigarettes by Yanni Store Ltd at Euro Food Stores. The latest test purchasing carried out on 4th June 2018 uncovered that the premises were in breach of various licensing conditions:

1. CCTV not working.
2. Refusal Record, Incident Book and Training Records not available for inspection
3. The following High strength alcohol were displayed for sale:
 - Okocim Mocne 7%
 - Browar Jablonowo 7.2%
 - Debowe Mocne 7%

An individual names Profesa Mamlakat Alqayamah confirmed that he was selling these items. Additionally, these beers were not labelled in English, as required under the Food Information Regulations 2014.

The licence holder has failed to meet the licensing objectives, to prevent crime and disorder.

Conditions attached to current licence – excluding mandatory conditions.

1) CCTV

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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.

(vi) 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 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.

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

2) Incident book

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

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

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

(iv) At the end of the week the incident book will be checked by the manager on duty where any entries will be reviewed and signed. Should there be no incidents then this will also be recorded in the incident book.

3) Refusals book

(i) A written log shall be kept of all refusals this includes refusals to sell alcohol, refusals to admit to the premises providing reasons for refusal. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

(ii) 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.

(iii) The record of refusals will be retained for 12 months.

NB. The same book can be used for recording incidents and refusals. A diary is often used to capture these entries.

4) Challenge 25

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

(ii) 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.

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

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

5) Training

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

(ii) 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.

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

(iv) 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.

6 Single cans of alcohol

(i) Sales of single cans of alcohol are prohibited unless part of a basket of goods other than alcohol

7 High strength alcohol products

- (i) 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.

Review Application Form Trading Standards – Pages - 8 - 14

Supporting Documents from Trading Standards – Pages - 15 - 37

Public Health Letter Supporting Review Application – Pages from - 38 - 39

Existing Premises Licence - Pages from 40 - 45

SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP

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's 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 Euro Food Store 1-2 The Colonnade Bridge Road Southampton SO19 7QT	
Post town Southampton	Post code (if known) SO19 7QT

Name of premises licence holder or club holding club premises certificate (if known) Yanni Store Ltd
--

Number of premises licence or club premises certificate (if known) 2015/02542/01SPRN
--

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 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 ✓ yes

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

Trading Standards Officer Lucas Marshall
Trading Standards Service
Southampton City Council
Civic Centre
Southampton
SO14 7LY

Telephone number (if any) 02380 83 [REDACTED]

E-mail address (optional) [REDACTED]@southampton.gov.uk

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

Please tick one or more boxes ✓

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

Please state the ground(s) for review (please read guidance note 2)

That the Premises Licence Holder, Yanni Store Ltd, has failed to meet the Licensing Objective, to Prevent Crime & Disorder in that illegal cigarettes were kept at and sold from the premises.

Please provide as much information as possible to support the application (please read guidance note 3)

This Review Application concerns the repeat sale and possession for sale of illegal cigarettes by Yanni Store Ltd, t/a Euro Food Store 1-2 The Colonnade, Bridge Road, Southampton, SO19 7QT. Yanni Store Ltd is the Premises Licence Holder at Euro Food Store and Huner Hussein JABBARI is the Designated Premises Supervisor (DPS) at that premises.

In November 2017 Southampton City Council's Trading Standards Service received a complaint alleging that illegal cigarettes were being sold by Huner Hussein JABBARI at Euro Food Store.

On 30th November 2017 Enforcement Officer GREEN purchased a packet of NZ cigarettes for only £3.50 from Euro Food Stores. The cigarettes were illegal in that they did not bear the health warnings as prescribed by Part 2 of the Tobacco & Related Products 2016 and were not labelled in English, as required by Regulation 11(4)(a), thereby constituting offences under Regulation 48(a)(i). The cigarettes were not UK Duty Paid and it is an offence under Section 144(1) of the Licensing Act 2003 to keep smuggled goods on a licensed premises

On 9th December I conducted a search of the premises. 3 packs of illegal Marlboro Gold and a packet of cigars were found and seized.

On 3rd January 2017 I interviewed JABBARI under caution. He admitted that he had sold the Marlboro, but claimed that he primarily purchased cigarettes for his own use from those that went abroad – he said that he sold the NZ and Marlboro Gold because he did not like them. JABBARI gave assurances that he would not sell illegal cigarettes again and subsequently Simple Cautions were accepted by Yanni Stores Ltd and JABBARI for offences under the Licensing Act 2003 and the Tobacco & Related Products Regulations 2016.

On 11th April 2018 I organised a further test purchase exercise. A pack of illegal L&M brand cigarettes were purchased from Euro Food Store by PCSO BROWN – they were not labelled in accordance with the Tobacco & Related Products Regulations 2016 and would have been smuggled into the UK.

On 18th April 2018 a further test purchase was attempted at the premises by PCSO BROWN, however she was told by a shop assistant that her boss had not delivered any cigarettes to the shop that day.

On 4th June 2018 a test purchase was conducted by PCSO BROWN at the premises. She purchased a pack of L&M cigarettes which were not compliant with the Tobacco & Related Products Regulations 2016 with regard to the health warnings. Enforcement officer GREEN and I entered the premises that afternoon and announced ourselves. The person present and in control of the premises identified himself as Profesa Mamlakat ALQAYAMAH. A search was conducted of the premises however no illegal cigarettes were found. ALQAYAMAH said that he did supply cigarettes to friends but denied selling illegal cigarettes. He said that the Designated Premises Supervisor (DPS) Huner Hussein JABBARI had not been to the shop for a month and had been staying in Bristol.

A check was conducted on the licence conditions whilst we were there and the majority of these were not being complied with: ALQAYAMAH said that it was currently not possible to record from the CCTV system and a new system had been ordered; ALQAYAMAH could not locate the premises' Refusals Record, Incident Book or training records; beers of over 6.5% (Okocim Mocne 7%, Browar Jablonowo 7.2% and Debowe Mocne 7%) were displayed for sale and ALQAYAMAH confirmed that he was selling these. Additionally these beers were not labelled in English, as required under the Food Information Regulations 2014.

Paragraph 11.27 of the Home Office Guidance, issued under Section 182 of the Licensing Act 2003, refers to criminal activity which should be regarded as particularly serious, and it includes the sale and storage of smuggled tobacco products. Paragraph 11.28 states that Responsible Authorities should use the review process to deter such activity.

In selling illegal cigarettes the Premises Licence Holder has failed to meet the Licensing Objective to Prevent Crime & Disorder. Unfortunately Simple Cautions have not been sufficient to deter sale of illegal cigarettes at this premises. I would therefore ask that consideration is given by the Sub-Committee to the revocation or a lengthy suspension of the Premises Licence, as a deterrent to further such activities taking place, and the addition of the following condition:

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 and tobacco products which are present at his shop. Records must include the name, address and telephone number of the supplier, the date of supply, the products supplied, and their prices. Where items have been delivered to the shop by a vehicle details of the vehicle registration, the name of the delivery person and contact details including the name, address and telephone number for the business must be kept. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol and tobacco products present at his premises.

Food Labelling

The Premises Licence Holder will have systems of diligence in place to prevent the sale of food and drink which does not comply with UK legislation, which will include visual checks on food and drink to ascertain whether they are labelled in English. If they are not so labelled those items will not be displayed for sale or sold.

Please tick ✓ yes

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

[

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

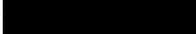
Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date *6/6/18*

Capacity Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Lucas Marshall Trading Standards Service Southampton City Council Civic Centre Southampton SO14 7LY	
Post town Southampton	Post Code SO14 7LY
Telephone number (if any) 02380 83 	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)  @southampton.gov.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Caution

OUR CASE REFERENCE: 17/00586/SAFETY

CRW CASE REFERENCE:

OFFENDER'S SURNAME: Jabbari

FORNAMES: Huner Hussein

OCCUPATION: Manager / Designated Premises Supervisor

HOME ADDRESS: [REDACTED]

DATE OF BIRTH: [REDACTED]

BUSINESS NAME: Euro Food Store

OFFICER: L Marshall

DATE OF OFFENCE: 30th November & 9th December 2017

PLACE OF OFFENCE: Euro Food Store, 2 The Colonnade, Bridge Rd, Woolston, SO19 7QT

BRIEF CIRCUMSTANCES OF OFFENCE:-

That Huner Hussein Jabbari, the manager and Designated Premises Supervisor at Euro Food Store, 2 The Colonnade, Bridge Rd, Southampton, SO19 7QT, did, on 30th November 2017, sell a packet of NZ brand cigarettes from that premises which did not bear health warning in English, as prescribed by Regulation 11(4)(a) of the Tobacco Products Regulations 2016, and on 9th December did have in possession for sale 3 packets of Marlboro Gold cigarettes and a packet of Panter cigars at that premises, which were also not labelled with prescribed health warnings in English, there by constituting offences under Regulation 48(a)(i) of the Tobacco & Related Products Regulations 2016.

LEGISLATION

Regulations 11(4)(a) and 48(a)(i) of The Tobacco & Related Products Regulations 2016

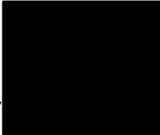
Please read the declaration below and make sure you understand it before you sign.

- 1 I have admitted to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on any national convictions databases.
- 2 If new evidence comes to light suggesting that the offence(s) I have committed are more serious, you might still take legal action against me.
- 3 If there are any victims as a result of these offences, they might still take civil action against me and you might give my name and address to the victims so they can do this.
- 4 If I am charged with another offence and I go to court, you will tell the court that I have received this simple caution. It will not be cited in court after the expiry of three years from the date of your signature.
- 5 If I apply for certain licences connected with my business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision whether to issue me with a licence.
- 6 If I already work in a job which is included in the list of notifiable occupations (these are jobs where you are in a position of trust or responsibility, for example, teachers, care workers, taxi drivers, soldiers and doctors), you might tell my employer about this simple caution. (I can ask you for a copy of the full list of notifiable occupations.)
- 7 If I apply for certain jobs, either paid or unpaid, that need me to have a criminal records check (CRB check), you might give my new employer information about this simple caution. (CRB checks are needed for nearly all jobs where you work with children or vulnerable adults, as well as for other sensitive jobs involving a high level of trust.)
- 8 I understand that accepting this simple caution may mean that some countries will not allow me to live there permanently, and some may not allow me to visit (for example, on business, for a holiday or as a student).

Declaration

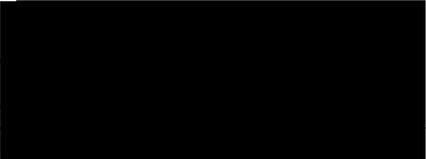
I have read and understand all this information

I hereby declare that I admit the offence(s) described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited in any subsequent legal proceedings. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

Name HUNER HUSSEIN JABBAR Signed 

(Block Capitals)

Dated this 16 day FEB 2018 

Name C D LYNSCOM Signed 

Authorised on behalf of Southampton City Council

Dated this 16 day February 2018

Caution

OUR CASE REFERENCE: 17/00586/SAFETY

CRW CASE REFERENCE:

COMPANY NAME: Yanni Store Ltd

COMPANY REGISTERED ADDRESS: 2 The Colonnade, Bridge Road, Southampton, SO19 7QT

COMPANY REGISTERED NUMBER 10882030

DATE OF OFFENCE: 9th December 2017

PLACE OF OFFENCE: Euro Food Store, 2 The Colonnade, Bridge Road, Southampton, SO19 7QT

BRIEF CIRCUMSTANCES OF OFFENCE:-

That on 9th December 2017 Yanni Food Store Ltd, the Premises Licence Holder at 2 The Colonnade, Bridge Road, Southampton SO19 7QT did knowingly keep goods, namely 3 packets of Marlboro Gold cigarettes and one packet of Panter cigars, which had been imported without payment of duty, at that premises thereby constituting an offence under Section 144(1) of the Licensing Act 2003

LEGISLATION

Section 144 Licensing Act 2003

Please read the declaration below and make sure you understand it before you sign.

1. The company admits to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on any national convictions databases.
2. If new evidence comes to light suggesting that the offence(s) the company has committed are more serious, you might still take legal action against the company.
3. If there are any victims as a result of these offences, they might still take civil action against the company and you might give the name and address of the company's registered office to the victims so they can do this.
4. If the company is charged with another offence and we go to court, you will tell the court that the company has received this simple caution. It will not be cited in court after the expiry of three years from the date of your signature.
5. If the company applies for certain licences connected with the business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision whether to issue any licence.
6. I also understand that in some circumstances the company may be under a duty to disclose the existence of this Caution.

I hereby declare that I

HUNER JABBAR I

am authorised by the company to admit the offence(s) described above and agree to accept a Caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should the Company be found to be infringing the law in the future. I further understand that this Caution may be cited should the Company subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances the company may be under a duty to disclose the existence of this Caution.

NAME (Block capitals) HUNER HUSEIN JABBAR I

SIGNED: 

POSITION WITH THE COMPANY MANAGER - REPRESENTATIVE DIRECTOR

DATED THIS 16 DAY of 02 2018

AFTER A SIGNATURE HAS BEEN ADDED ABOVE, AN OFFICER OF SOUTHAMPTON CITY COUNCIL WILL COUNTERSIGN AND RETURN A COPY.

NAME (Block capitals) C D POLINSKY

SIGNED: 

DESIGNATION: SOURCE MANAGER

DATED THIS 16 DAY of FEV 2018

Caution

OUR CASE REFERENCE: 17/00586/SAFETY

CRW CASE REFERENCE:

OFFENDER'S SURNAME: Jabbari

FORNAMES Huner Hussein

OCCUPATION: Designated Premises Supervisor

HOME ADDRESS:

DATE OF BIRTH:

BUSINESS NAME: Euro Food Store

OFFICER: L Marshall

DATE OF OFFENCE: 9th December 2017

PLACE OF OFFENCE: Euro Food Store, 2 The Colonnade, Bridge Rd, Woolston, SO19 7QT

BRIEF CIRCUMSTANCES OF OFFENCE:-

That on 9th December 2017 Huner Hussein Jabbari, the Designated Premises Supervisor at 2 The Colonnade, Bridge Road, Southampton, SO19 7QT did knowingly keep goods, namely 3 packets of Marlboro Gold cigarettes and one packet of Panter cigars, which had been imported without payment of duty, at that premises thereby constituting an offence under Section 144(1) of the Licensing Act 2003

LEGISLATION

Section 144 Licensing Act 2003

Please read the declaration below and make sure you understand it before you sign.

- 1 I have admitted to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on any national convictions databases.
- 2 If new evidence comes to light suggesting that the offence(s) I have committed are more serious, you might still take legal action against me.
- 3 If there are any victims as a result of these offences, they might still take civil action against me and you might give my name and address to the victims so they can do this.
- 4 If I am charged with another offence and I go to court, you will tell the court that I have received this simple caution. It will not be cited in court after the expiry of three years from the date of your signature.
- 5 If I apply for certain licences connected with my business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision whether to issue me with a licence.
- 6 If I already work in a job which is included in the list of notifiable occupations (these are jobs where you are in a position of trust or responsibility, for example, teachers, care workers, taxi drivers, soldiers and doctors), you might tell my employer about this simple caution. (I can ask you for a copy of the full list of notifiable occupations.)
- 7 If I apply for certain jobs, either paid or unpaid, that need me to have a criminal records check (CRB check), you might give my new employer information about this simple caution. (CRB checks are needed for nearly all jobs where you work with children or vulnerable adults, as well as for other sensitive jobs involving a high level of trust.)
- 8 I understand that accepting this simple caution may mean that some countries will not allow me to live there permanently, and some may not allow me to visit (for example, on business, for a holiday or as a student).

Declaration

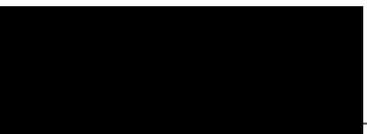
I have read and understand all this information

I hereby declare that I admit the offence(s) described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited in any subsequent legal proceedings. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

Name HUNER HUSSEIN SABBARI Signed 

(Block Capitals)

Dated this 16 day FEB 2018

Name C D LYNSAY Signed 

Authorised on behalf of Southampton City Council

Dated this 16 day May 2018

STATEMENT OF: **Dagmara BROWN**

AGE IF UNDER 18: **OVER 18**

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.

Dated the 16th April 2018

Signature: 

~~..... being unable to read the statement,~~

~~I..... of~~

~~..... read it to him/her before he/she signed~~

~~Dated the day of 201..... Signature:~~

A

My name is Dagmara Brown and I am employed by Hampshire Police as a Police Community Support

Officer. My collar number is 16484 and I am stationed at Hightown Fire Station. On Wednesday 11th April 2018, I was assisting Trading Standards Officers Lucas Marshall and Vanessa Green with an illegal

B

tobacco investigation. I was tasked with purchasing a packet of "cheap" cigarettes from a number of shops in Southampton. At 1320 hours, I entered EURO FOOD STORE, 2 The Colonnade, Bridge Road in

C

WOOLSTON. There was one lone male behind the counter. He was aged approximately in his 30's. He was a white male, brown hair, scruffy looking. He had facial hair (moustache and beard). Wearing a beige

D

baseball cap, white t-shirt with a tiger's head print on the front. He was also wearing a dark grey jacket over his top with an open zip and blue jeans. I asked him for any Polish cigarettes, as I placed a bottle of

E

juice on the counter. He asked "Which ones?" I said "any cheap ones". He said that he has L&M, Richmond, Mayfair and a brand I never heard of and started with 'K' I asked for L&M. As far as I

remember he had English accent. He reached under the counter and placed a white and blue packet of L&M cigarettes on the counter. I asked how much they were, and he said "six pounds". He put the

transaction through the till and the total came to £6.69. I paid with a ten pound note. He gave me the change and I left the shop with the cigarettes and juice. I met up with Vanessa Green in her car parked in

the nearby car park and I put the cigarettes in an evidence bag straight away. I exhibit the packet of cigarettes that I purchased in this store as exhibit DB/01.

Signature: ... 

ST1(1
)HQ

STATEMENT OF: **Dagmara Brown**

HOME ADDRESS:

BUSINESS ADDRESS: **Hightown Fire station, 35 Coates Road, Southampton**

DATE OF BIRTH:



OCCUPATION: **Police Community Support Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO: **101**

WITNESS AVAILABILITY (Delete dates to be avoided)

Month of April							Month of							Month of						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
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Month of							Month of							Month of						
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29	30	31					29	30	31					29	30	31				

CONTACT POINT IF DIFFERENT FROM ABOVE:

ADDRESS:

TELEPHONE NO:

STATEMENT TAKEN BY:

INCIDENT NO:

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

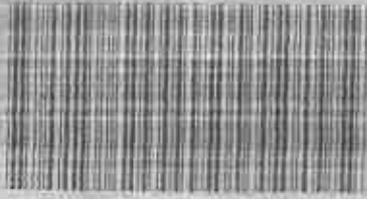
Record below anything that may affect the credibility of the person making this statement, eg previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated the 16/04/2018

Signed





101098375

Discard this form
Do not use for other purposes
Do not reuse

EVIDENCE BAG

(Continued)

Name/Block No. (Block Letters) _____ (Continuity) _____

Signed _____

Date _____

Name/Block No. (Block Letters) _____ (Continuity) _____

Signed _____

Date _____

Name/Block No. (Block Letters) _____ (Continuity) _____

Signed _____

Date _____

Name/Block No. (Block Letters) _____ (Continuity) _____

Signed _____

Date _____

 **Trading Standards Service**

Incident reference
17/00586/SAFE7

Exhibit reference
DB101

Description of article
1x 20 Pack L&M Cigarettes
Polish, Purchased from
Food Store 11/4/18.

Signature of person originally identifying


Name of person originally identifying (block letters)
DAGMARA BROWN

EH 126 0710 22561

Dym szkodzi Twoim
dzieciom, rodzinie
i przyjaciołom

901 108 108 www.zakrzuripaleni.pl



PARKING SERVICES WITNESS STATEMENT

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2005 (Rule 27.1))

STATEMENT OF: **Vanessa Green**

AGE IF UNDER 18: **OVER 18**

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

Dated the 22nd June 2018

Signature: 

~~..... being unable to read the statement,
I of
..... read it to him/her before he/she signed
Dated the day of201 Signature:~~

A My name is Vanessa GREEN, and I am employed by Southampton City Council as the Parking
B Fraud Investigations Officer. On Wednesday 11th April 2018, I was assisting Trading Standards
C with an illegal tobacco test purchase operation. PCSO Dagmara BROWN was with me, and she
D was tasked with attempting to purchase an illegal tobacco product from Euro Food Store at 2
E The Colonnade, Bridge Road, Southampton, SO19 7QT. I drove Mrs BROWN to the vicinity of
the store, and waited in the car whilst she went into Euro Food Store. The time was 13:20.
There was a small dark grey car parked on the forecourt to the left of the shop door. Mrs
BROWN returned at 13:26 with a packet of L&M cigarettes and a bottle of drink. She dropped
the cigarettes into an exhibit bag, and then I looked at the packaging. The health warning was
not written in English. I asked her how much the cigarettes cost, and she said six pounds. Mrs
BROWN told me that she was offered L&M, Richmond, Mayfair and a Russian brand of
cigarettes, and that the shop worker obtained them from under the counter. I asked Mrs
BROWN to describe the person that sold her the cigarettes. She told me that it was an IC1 male
aged older than 30, looked scruffy, and he had a moustache and beard. She said he was
wearing a cream baseball cap and a t-shirt with an image of a tiger on the front. We then drove
away from the area. Signature: 

STATEMENT OF: **Vanessa Green**

HOME ADDRESS:

BUSINESS ADDRESS: **Parking Services, Civic Centre, Southampton, SO14 7XY**

DATE OF BIRTH: 

OCCUPATION: **Parking Fraud Investigations Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO: **02380 83** 

WITNESS AVAILABILITY (Delete dates to be avoided)

Month of							Month of							Month of						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
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Month of							Month of							Month of						
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29	30	31					29	30	31					29	30	31				

CONTACT POINT IF DIFFERENT FROM ABOVE:

ADDRESS:

TELEPHONE NO:

STATEMENT TAKEN BY:

INCIDENT NO: **CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

Record below anything that may affect the credibility of the person making this statement, eg previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated the 22nd June 2018

Signed 

STATEMENT OF: **Dagmara BROWN**

AGE IF UNDER 18: **OVER 18**

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.

Dated the 04th June 2018

Signature:

~~..... being unable to read the statement,
I of
..... read it to him/her before he/she signed~~

Dated the day of 201..... Signature:

A

My name is Dagmara Brown and I am employed by Hampshire Police as a Police Community Support

Officer. My collar number is 16484 and I am stationed at Hightown Fire Station. On Monday 04th June 2018, I was assisting Trading Standards Officers Lucas Marshall and Vanessa Green with an illegal tobacco investigation. I was tasked with purchasing a packet of "cheap" cigarettes from a shop in

B

Southampton. At 1526 hours, I entered EURO FOOD STORE, 2 The Colonnade, Bridge Road in WOOLSTON. There was one lone male behind the counter. He was aged approximately in his 30's. He had darker skin, black hair and facial hair (moustache and beard). He was wearing a beige baseball cap,

C

grey t-shirt with a word 'Epic' written on the front. I asked him for 'L&M blue' cigarettes, while reaching under the counter he told me 'it will be six pounds'. I asked him 'why so expensive?' and he answered 'Because Polish people sold me for five pounds' He reached under the counter and placed a white and

D

blue packet of L&M cigarettes on the counter. I paid with a ten pound note. He gave me four pounds change and I left the shop with the cigarettes. I met up with Vanessa Green and Lucas Marshall in a car parked in the nearby car park and I put the cigarettes in an evidence bag straight away and handed to

E

Lucas Marshall.

Signature:

ST1(1
)HQ

STATEMENT OF: **Dagmara Brown**

HOME ADDRESS:

BUSINESS ADDRESS: **Hightown Fire station, 35 Coates Road, Southampton**

DATE OF BIRTH: [REDACTED]

OCCUPATION: **Police Community Support Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO: **101**

WITNESS AVAILABILITY (Delete dates to be avoided)

Month of April							Month of							Month of						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
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x	x	x	x	x	x	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
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29	30	31					29	30	31					29	30	31				

CONTACT POINT IF DIFFERENT FROM ABOVE:

ADDRESS:

TELEPHONE NO:

STATEMENT TAKEN BY:

INCIDENT NO:

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Record below anything that may affect the credibility of the person making this statement, eg previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated the 04/06/2018

Signed

WITNESS STATEMENT

(Criminal Procedure Rules, Rule 27.1(1);

Criminal Justice Act 1967, Section 9; Magistrates Courts Act 1980, Section 5B

Page 1

Statement of: **LUCAS MARSHALL**

Age if under 18:	Over 18	Occupation:	Trading Standards Officer
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This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:		Date:	2/7/18
------------	---	-------	--------

My name is Lucas MARSHALL. I am employed by Southampton City Council as a Trading Standards Officer. On 4th June 2018 I was involved in an illegal cigarette test purchase exercise. I was assisted by Parking Fraud Investigations Officer Vanessa GREEN and PCSO Dagmara BROWN. The purpose of the exercise was to attempt a test purchase of illegal cigarettes from a licensed premises called Euro Food Store, 2 The Colonnade, Bridge Rd, Woolston. PCSO BROWN was tasked with acting as a customer to make the purchase. At approximately 15:30 I observed PCSO BROWN leave our vehicle and head towards Euro Food Store. Shortly after she returned to our vehicle with a packet of 20 L&M brand cigarettes. I examined the cigarettes and established that they were illegal in that they did not comply with the health labelling requirements of the Tobacco & Related Products Regulations 2016, in that the warnings were not in English. I took the cigarettes from PCSO BROWN, which I placed in a sealed bag, no 1098371, and I produce this as exhibit LM/EFS/JUN/1. GREEN and I then returned PCSO BROWN to Hightown Station and we returned to Euro Food Store. At approximately 16:00 GREEN and I entered the premises and identified ourselves to the person in control of the shop. He appeared to be in his 40's, of Iraqi appearance and was wearing a t-shirt with "Epic" written on it. I explained that illegal cigarettes had been sold from the shop and I cautioned him. He identified himself as: Profesa Mamlakat ALQAYAMAH, dob , home address . He said that he is involved in the business which trades as Kafka Café at 322 Shirley Rd. He confirmed that Huner JABBARI owns Euro Food Store, and that JABBARI had last attended Euro Food Store a month ago and had been living in Bristol. He said that that he is looking at buying the business. I issued Consumer Rights Act and PACE Code B Notices to ALQAYAMAH and commenced a search of the premises, however no illegal tobacco products were found. There had been a car parked immediately outside the shop at the time of our entry to the premises which ALQAYAMAH initially said was not his, but later confirmed that he drove. My intention was to search this vehicle following the search

Signature:  Date: 2/7/18

WITNESS STATEMENT

(Criminal Procedure Rules, Rule 27.1(1);

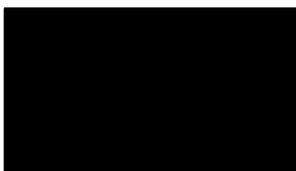
Criminal Justice Act 1967, Section 9; Magistrates Courts Act 1980, Section 5B

Page 2

Statement of: **LUCAS MARSHALL**

of the shop, however when we went to do so we found that it had gone. Whilst under caution ALQAYAMAH said that he only supplies illegal cigarettes to 4 friends. Whilst at the premises I checked for compliance with conditions on the premises licence. Beers were displayed for sale which were over 6.5% in alcoholic strength, namely Okocim Mocne 7%, Browar Jablonowo Mocne 7.2% and Debowe Mocne 7%. These beers were also not compliant with the provisions of the Food Information Regulations 2014, in that they were not labelled in English. ALQAYAMAH confirmed that he sold these beers. He said that it was not possible to operate the CCTV system and take recordings from it as they do not know the password, and that they had ordered a new system. ALQAYAMAH did not know what a refusals record was, and could not provide this, or an incidents book or training records. GREEN and I left the premises at approximately 17:10. On 5th June 2018 I posted a letter to JABBARI inviting him to attend interview regarding the sale of illegal cigarettes on 4th June. I also e-mailed a copy of this letter to him on 6th June. To this date I have not yet received a response.

Signature: _____



Date: _____

2/7/18

WITNESS STATEMENT

(Criminal Procedure Rules, Rule 27.1(1);

Criminal Justice Act 1967, Section 9; Magistrates Courts Act 1980, Section 5B

Page 3

Statement of: **LUCAS MARSHALL**

**Trading Standards and Prosecution only
RESTRICTED: DO NOT DISCLOSE**

WITNESS DETAILS

Home Address:			
		Post Code:	
Home Telephone:		Mobile:	
Work Telephone:	02380 83 [REDACTED]	Email:	[REDACTED]@southampton.gov.uk
Date of Birth:	[REDACTED]	Place of Birth:	
Previous Name:			

Alternative Address:	Trading Standards Service, Southampton City Council, Civic Centre Rd, Southampton	
	Post Code:	SO14 7LY

APP Number:		
Statement taken by:	[REDACTED]	
Time and Place Statement Taken:	CIVIC 2/7/18	

Signature: [REDACTED]

Date: 2/7/18

WITNESS STATEMENT
(Criminal Procedure Rules, Rule 27.1(1);
Criminal Justice Act 1967, Section 9; Magistrates Courts Act 1980, Section 5B
Page 4

Statement of: **LUCAS MARSHALL**

Signature: Date:



Trading Standards Service

Incident reference

1705811/ARRETT

Exhibit reference

LMJEFFSON/1

Description of article

Pack 20 L&M CLEARTS

Signature of person originally identifying



Name of person originally identifying (block letters)

LUCAS MARSHALL

EH126 0710.22561



PARKING SERVICES WITNESS STATEMENT

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2005 (Rule 27.1))

STATEMENT OF: **Vanessa Green**

AGE IF UNDER 18: **OVER 18**

This statement (consisting of 3 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.

Dated the 22nd June 2018

Signature: [Redacted]

~~..... being unable to read the statement,
I of
..... read it to him/her before he/she signed
Dated the day of201 Signature:~~

A
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My name is Vanessa GREEN, and I am employed as the Parking Fraud Investigations Officer at Southampton City Council. On 4th June 2018, I was assisting Trading Standards Officer Lucas MARSHALL with an illegal tobacco investigation at Euro Food Store at 2 The Colonnade, Bridge Road, Southampton. I drove Mr MARSHALL and PCSO Dagmara BROWN to the vicinity of this store. I waited in the car with Mr MARSHALL whilst PSCO BROWN attempted to purchase some cigarettes from Euro Food Store. There was a small dark grey car parked on the pavement to the left of the door of the store. A few minutes later, she returned to the car with one packet of Marlboro Gold cigarettes. She passed them to Mr MARSHALL and she told us that they cost £6.00. She also told us that the person who sold the cigarettes to her was a male of Eastern appearance, and that he was wearing a grey baseball cap and a grey t-shirt with "epic" written across the chest. I then drove to PCSO BROWN's office to drop her off. I then drove back to Euro Food Store with Mr MARSHALL to conduct a search of the premises. We entered the store at 16:00. One male was behind the counter. I introduced myself to him and showed him my council identity card. He was wearing a grey baseball cap, a grey t-shirt with "epic" written on the front, denim shorts and blue shoes. He had a beard. Mr MARSHALL

Signature: [Redacted]

ST1(1)HQ

STATEMENT OF: **Vanessa Green**

HOME ADDRESS:

BUSINESS ADDRESS: **Parking Services, Civic Centre, Southampton, SO14 7XY**

DATE OF BIRTH: 

OCCUPATION: **Parking Fraud Investigations Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO: **02380 83** 

WITNESS AVAILABILITY (Delete dates to be avoided)

Month of							Month of							Month of						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
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CONTACT POINT IF DIFFERENT FROM ABOVE:

ADDRESS:

TELEPHONE NO:

STATEMENT TAKEN BY:

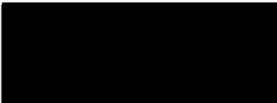
INCIDENT NO:

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Record below anything that may affect the credibility of the person making this statement, eg previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated the 22nd June 2018

Signed 

BY: Vanessa Green

A explained that we were at the store to investigate the sale of illegal cigarettes, and I heard the
male say "We don't sell". I heard the male give his date of birth as [REDACTED], but I did not hear
the year. He gave his address as [REDACTED] Southampton. He gave his
B telephone number as [REDACTED]. He said his wallet was in his car when asked if he had any
proof of his identity. He gestured with his hand towards the car park opposite the store. He
denied the car parked on the pavement outside being anything to do with him. I then witnessed
C Mr MARSHALL caution the male. The time was 16:05. When asked if he understood the
caution, he said "sure". I proceeded to search the counter area and store with Mr MARSHALL. I
did not find any tobacco products in the store. During the search, the male popped outside. I
went outside too, but could not see him. Seconds later he reappeared in the store. A white male
D in a purple t-shirt and blue jeans twice came to the door of the store but did not come in. On the
third time I saw him, I went outside and asked if he was looking to buy cigarettes. He said "yes".
I said that this shop didn't have any, and asked him where he usually bought them from. He said
"here", whilst pointing to Euro Food Store, and "at the car wash up the road". I returned to the
E store and observed Mr MARSHALL continue to question the male about the sale of illegal
tobacco products. I heard the male state that he would get foreign cigarettes from friends who
had been abroad, and that he would sell them to four of his friends. Mr MARSHALL reminded him
about seeing his identify proof. We all went outside, and the male said that his car had gone. He
F said that his friend had borrowed it. I noticed that the grey car on the forecourt had gone. We
asked if that was the car he was talking about, and he admitted that he shared that car with a
friend. The male made a phone call on his mobile phone, and another male of eastern
G appearance arrived. I saw him show his bank card to Mr MARSHALL, so he could write down the
friend's name. The friend handed a wallet to the male working in the store. I witnessed Mr
MARSHALL question the male shop worker about the CCTV in the store. The male said that he
didn't have the password to enable him to play back or review the stored footage. Mr
MARSHALL then checked the alcohol license for the premises, and then looked in the drinks
refrigerators. Mr MARSHALL showed me some high strength cans of alcohol, and he told me
Signature: [REDACTED]

ST1(2)HQ

BY: Vanessa Green

A that they contained more alcohol than was permitted on the license. Mr MARSHALL and I then
left the store. The time was approximately 17:10. Signature: 

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ST1(2)HQ

From: [Marshall, Lucas](#)
To: [Licensing](#); ["yanni201@hotmail.com"](#); [Poole, Leena](#)
Cc: ["Licensing & Alcohol Harm Reduction Team Mailbox"](#); [Swallow, Brian](#); [Gilbert, Philip](#)
Subject: Euro Food Store representations
Date: 03 July 2018 08:05:28

Dear Sir/Madam

Licensing Act 2003

On the afternoon of 2nd June 2018 I visited Euro Food Store, 2 The Colonnade, Bridge Rd, Woolston. The purpose of my visit was to deliver additional representations made by Southampton City Council's Trading Standards Service in relation to their Licence Review Application for the premises. There was one person in control of the premises. He claimed that he did not work there and was unable to produce means of identification. He identified himself as:

Adam GIL

██████████ Southampton, ██████████
██████████

I asked if he was permitted to work in the UK and he said "Yes, since yesterday".

Whilst I was taking details from him I witnessed him sell a single can of Tyskie 5% beer to a customer, in breach of the single can condition on the Premises Licence.

I asked him who the owner of the business was. He said it was Dylan, and did not know his surname. He then phoned the owner on ██████████ and I asked to speak to him. The male identified himself as Profesa Mamlakat ALQAYAMAH. I asked him if he was now the owner of the business. He said that "it was complicated" and failed to give an intelligible answer to this simple question. He said that he had not spoken to the DPS JABBARI for a month.

I left a copy of my representations at the premises and instructed GIL and ALQAYAMAH that they were for JABBARI's attention.

I would ask that this e-mail is held as an additional representation in relation to the Review Application.

Yours faithfully

Lucas Marshall

Lucas Marshall
Trading Standards Officer
Environmental Health and Consumer Protection Division
Southampton City Council
Tel 023 8083 ██████████

Direct dial: 023 8083 [REDACTED]
Email: [REDACTED]@southampton.gov.uk
Please ask for: Philip Gilbert

Fax:
Minicom:
Our ref:

Date: 13 June 2018

Licensing Department
Civic Centre
Southampton
SO14 7LS

To Whom It May Concern,

Re: Euro Food Store Review

This representation is made on behalf of the Director for Public Health at Southampton City Council in his role as a responsible authority under the Licensing Act 2003, in support of Trading Standards Service, Southampton City Council's application to review the above premises license on the following grounds:

1. The prevention of crime and disorder

The Prevention of Crime and Disorder

The premises have been storing and selling tobacco products which do not display the relevant health warnings as required by Part 2 of the Tobacco & Related Products 2016. The cigarette packages were not labelled in English as required by Regulation 11(4)a and thereby constitute offences under Regulation 48(a)(i). Additionally the cigarettes were not UK Duty Paid, and it is an offence under Section 144(1) of the Licensing Act of 2003 to keep smuggled goods on a licensed premises.

Revised Guidance issued under section 182 of the Licensing Act 2003 states:

"11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- *For the sale or storage of smuggled tobacco and alcohol*

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered."

The illicit tobacco trade is dominated globally by organised criminals, and the proceeds from the sale of illegal tobacco is used to fund crime across the globe. Illicit whites, such as the L&M cigarettes that were found on site are produced legally in other countries and then smuggled into the UK with the sole purpose of avoiding tax. This has a consequence of making tobacco more affordable which reduces the impact of policies designed to reduce the health

harms from tobacco, therefore undermining both tax and public health policy. These illicit whites are regulated much less in their country of origins and have the potential to be more dangerous than tobacco produced to the standards required by UK law, both because of their contents and the potential increased risk of them causing domestic fires.

This illegal trade also harms legitimate businesses, who cannot compete with the reduced price offered by illegal tobacco sellers, and costs the country £2billion in lost revenue.

Public Health data and policy is clear on the dangers of tobacco, and the Department for Health has produced the report 'Towards a Smokefree Generation' which outlines the measures from the government to prevent these deaths. These measures include graphic health warnings and prohibitive pricing. By evading these measures illegal tobacco makes it easier for children to purchase tobacco products at pocket money prices. This is a significant issue because 77% of smokers in 2014 started before they were 18, often beginning before they are aware of the health impacts.

Maintaining high duty rates on tobacco is a proven and effective means through which to reduce smoking, both by providing an incentive to quit, and a disincentive for young people to begin in the first place.

Government initiatives like standardised packaging and graphic health warnings have been proven to reduce tobacco consumption by removing the brand awareness from smoking, and have international support from the World Health Organisation as part of their Framework Convention for Tobacco Control, and illicit tobacco seeks specifically to undermine this work.

We are additionally very concerned that the premises had not had a Designated Premises Supervisor present for an extended period of time, did not have a Closed Circuit Television (CCTV) system that was able to record, and did not have a records of relevant staff training, refusals of sales to minors, or incidents. This lack of due diligence raises further questions about the license holder's dedication to the other licensing objectives.

For these wide ranging reasons, we would strongly support this review.

Yours sincerely

Philip Gilbert
Public Health Practitioner



**Schedule 12
Part A
Premises Licence**

Regulation 33,34

Premises licence number	2017/04250/01SPRD
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Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description, Euro Food Stores 1-2 The Colonnade Bridge Road Southampton SO19 7QT
--

Telephone number

Where the licence is time limited the dates Not applicable
--

Licensable activities authorised by the licence Supply by retail of alcohol

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

The opening hours of the premises

Monday	06:00 - 23:00
Tuesday	06:00 - 23:00
Wednesday	06:00 - 23:00
Thursday	06:00 - 23:00
Friday	06:00 - 23:00
Saturday	06:00 - 23:00
Sunday	06:00 - 23:00

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

Alcohol is supplied for consumption off the premises



Part 2

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

Yanni Store Ltd.
2 The Colonnade
Bridge Road
Southampton
SO19 7QT

Electronic Mail yanni201@hotmail.com



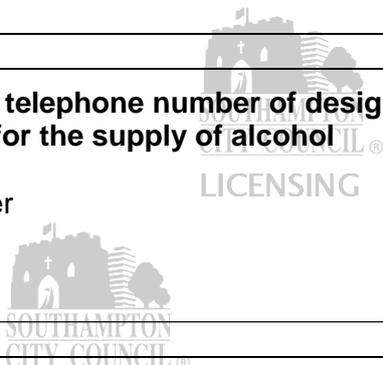
Registered number of holder, for example company number, charity number (where applicable)

10882030



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

Huner Hussen Jabber

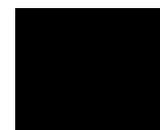


Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: H05058
Licensing Authority: Hounslow Council

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

Dated this 11th day of October 2017;



Licensing Manager
Southampton & Eastleigh Licensing Partnership
PO Box 1767
Southampton
SO18 9LA

Annex 1 – Mandatory Conditions

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

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

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

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

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition set out in paragraph 1 —

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) 'permitted price' is the price found by applying the formula —

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence —

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

1 1) CCTV

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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.

(vi) 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 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.

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

2) Incident book

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

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

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

(iv) At the end of the week the incident book will be checked by the manager on duty where any entries will be reviewed and signed. Should there be no incidents then this will also be recorded in the incident book.

3) Refusals book

(i) A written log shall be kept of all refusals this includes refusals to sell alcohol, refusals to admit to the premises providing reasons for refusal. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

(ii) 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.

(iii) The record of refusals will be retained for 12 months.

NB. The same book can be used for recording incidents and refusals. A diary is often used to capture these entries.

4) Challenge 25

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

- (ii) 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.
- (iii) If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.
- (iv) 'Challenge 25' posters shall be displayed in prominent positions at the premises.

5) Training

- (i) Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.
- (ii) 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.
- (iii) In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.
- (iv) 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.

6 Single cans of alcohol

- (i) Sales of single cans of alcohol are prohibited unless part of a basket of goods other than alcohol

7 High strength alcohol products

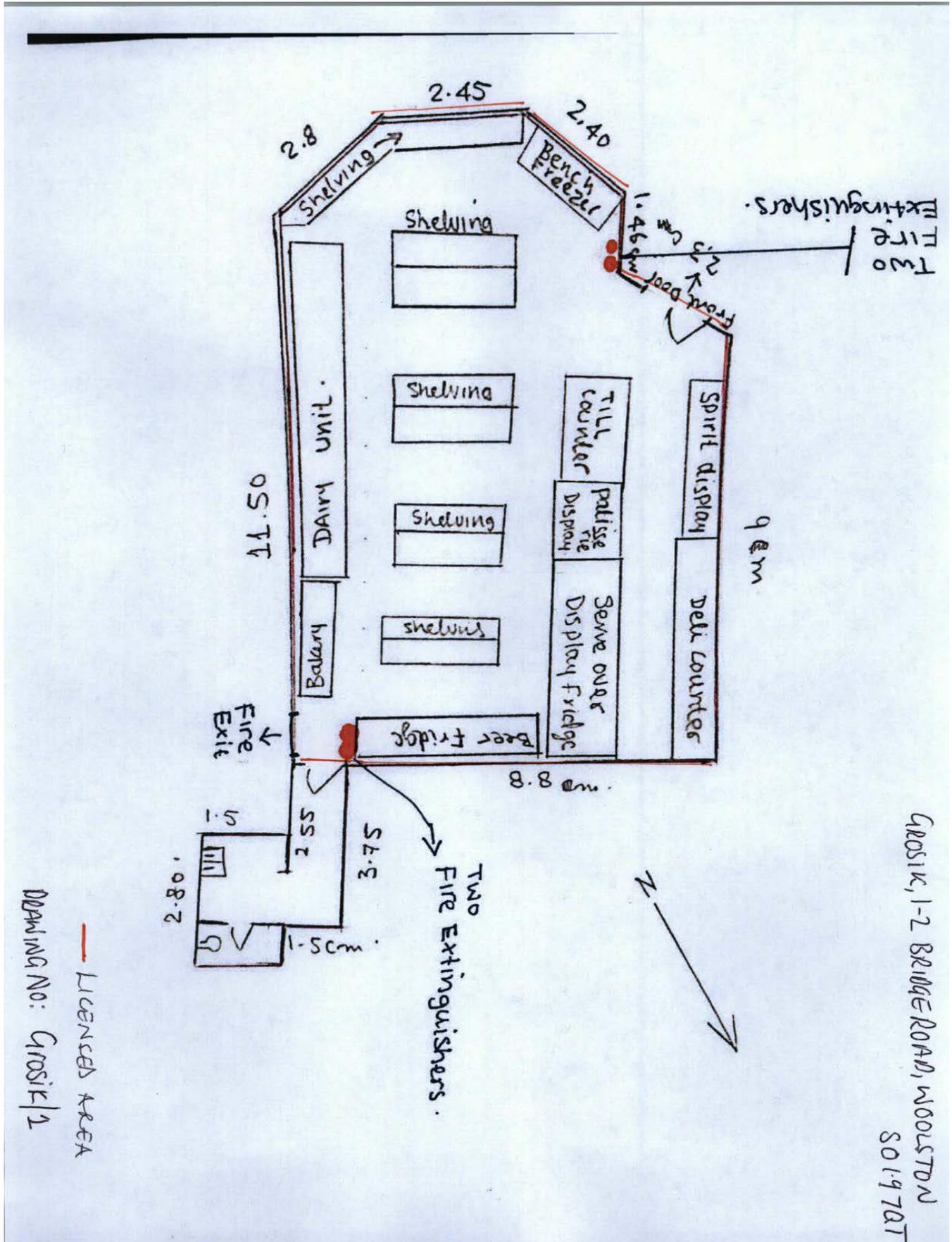
- (i) No beers, ciders or lager of 6.5%ABV or over shall be sold by retail, excluding premium products as agreed in writing, in advance with the police licensing team.

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

1 None



Annex 4 – Plans



Plan not to scale