

Reference: 2011/01764/01SPRN

Hearing:

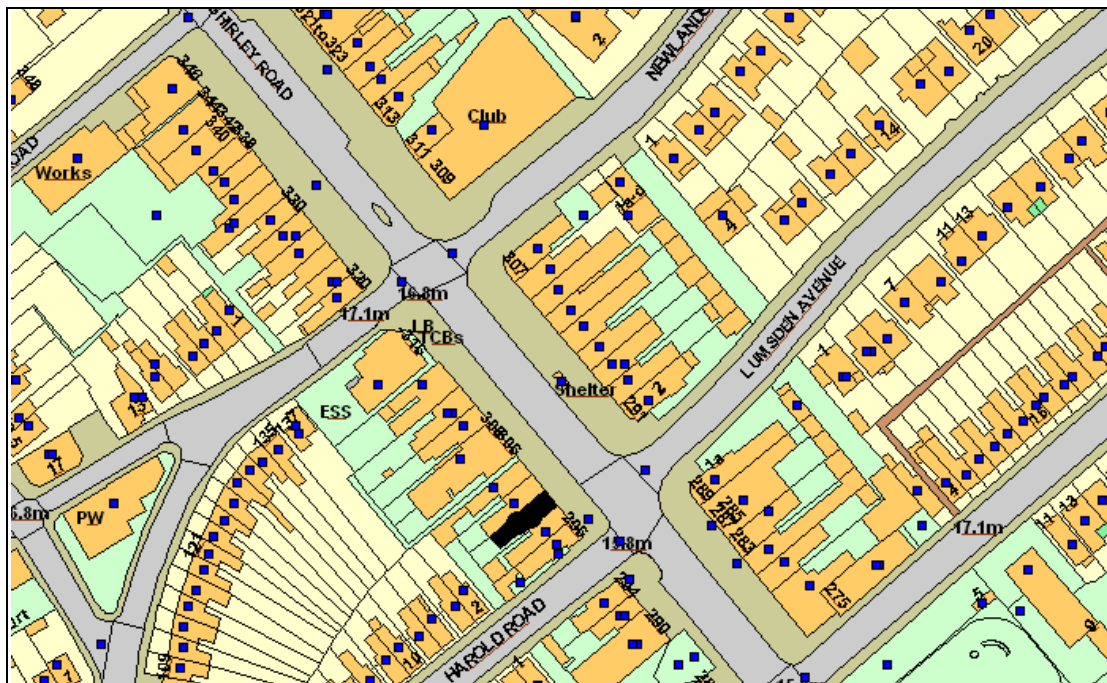
22nd September 2011

Application for Premises Licence

Premises Name: RR Food And Wine
 Premises Address: 300 Shirley Road
 Southampton
 Hampshire
 SO15 3HL

Application Date: 24th June 2011
 Application Received Date: 11th July 2011

Application Valid Date: 29th July 2011



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No response received	
Hampshire Fire And Rescue - Licensing	Yes	
Environmental Health - Licensing	Yes	
Planning & Sustainability - Building Control - Licensing	No response received	
Planning & Sustainability - Development Control - Licensing	No response received	
Police - Licensing	No	See attached representation
Trading Standards - Licensing	No	See attached representation

Other Representations

Name	Address	Contributor Type
None		

Legal Implications

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a new Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
2. The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by those directly affected.
3. An applicant for a new Premises Licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.
4. In considering this application the committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

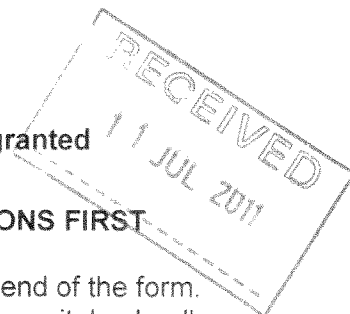
The committee must also have regard to:-

5. *Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
6. *Human Rights Act 1998*
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

Southampton City Council

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST



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

I/We Harvinder Singh Rathor and Hardeb Singh Rathor

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 300 Shirley Road Shirley Southampton			
Post town	Southampton	Post code	SO15 3HL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£4450

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Rathor			First names Harvinder Singh		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		18 Manor Close Rushington			
Post Town	Southampton		Postcode	SO40 9DJ	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Rathor			First names Hardeb Singh		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	

Current postal address if different from premises address		18 Manor Close Rushington	
Post Town	Southampton	Postcode	SO40 9DJ
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
0 1	0 7	2 0 1 1

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)
Lock-up shop with window/door to pavement, secured by lockable steel shutter.
Toilet provision. Pedestrian rear access

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

0

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for performing plays (please read guidance note 4)	
Thur				
Fri				
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)			
			Indoors	<input type="checkbox"/>		
			Outdoors	<input type="checkbox"/>		
			Both	<input type="checkbox"/>		
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed					<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)	
Thur						
Fri					<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur					
Fri			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
			Outdoors <input type="checkbox"/>		
			Both <input type="checkbox"/>		
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing	
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	10:00	23:00			
Sat	10:00	23:00			
Sun	10:00	23:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Harvinder Singh Rathor	
Address	
Postcode	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
 None

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) None
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Mon	10:00	23:00	
Tue	10:00	23:00	
Wed	10:00	23:00	
Thur	10:00	23:00	
Fri	10:00	23:00	
Sat	10:00	23:00	
Sun	10:00	23:00	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The shop will be staffed and supervised at all times

b) The prevention of crime and disorder

The shop ^{will be} is equipped with CCTV to prevent Crime. Shirley High Street (Shirley Road) has extensive CCTV cover

c) Public safety

Public access from street to be kept clear at all times and no rubbish left outside premises

d) The prevention of public nuisance

Public using the shop under supervision from staff.
Persons leaving the shop to be discouraged from making noise
Rubbish not left outside premises

e) The protection of children from harm

Policy of not allowing children into the shop unless accompanied by an adult.
Policy of not serving alcohol to anyone under 21, and proof of age required in cases of uncertainty.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	24-06-11
Capacity	FIRST APPLICANT

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	24/06/11
Capacity	SECOND APPLICANT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

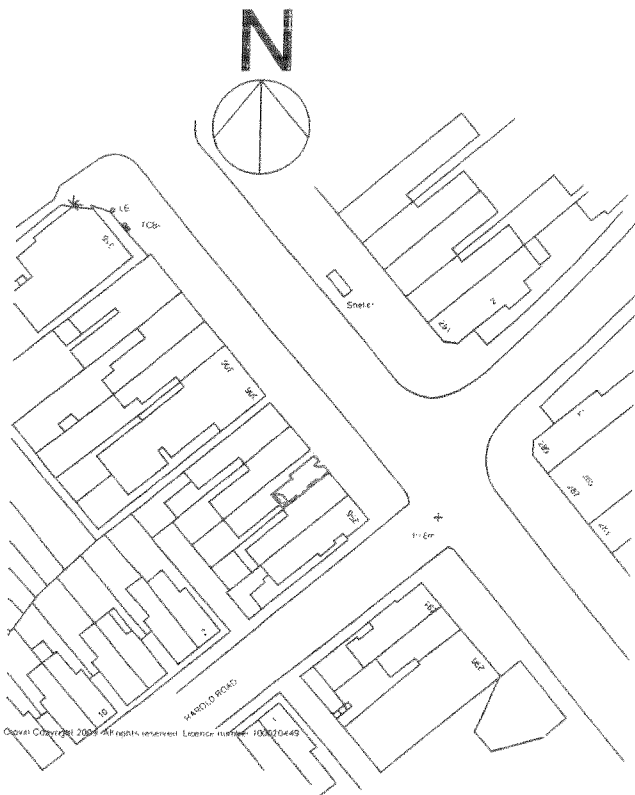
Knight Polson Solicitors
4 Leigh Road
Eastleigh

Post town | Southampton

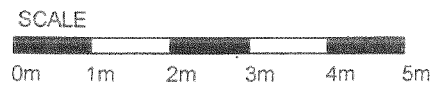
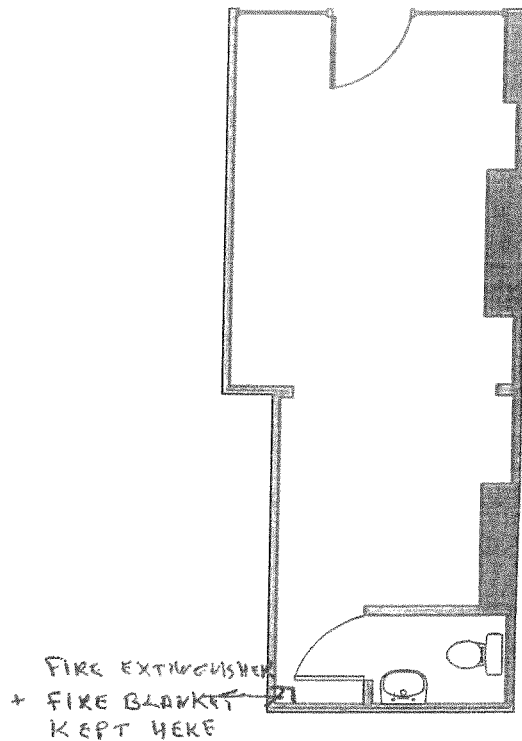
Post code | SO50 9FH

Telephone number (if any) |

If you would prefer us to correspond with you by e-mail your e-mail address (optional)



Site plan
Scale 1/1250



Floor plan
Scale 1/100

CS PARTNERSHIP LLP CHARTERED BUILDING SURVEYORS 8 ST CROSS ROAD WINCHESTER HAMPSHIRE SO23 9HX tel: 01962 850 869 mobile: 07776256527 email: jsteel@cspartnership.co.uk	project - 300 Shirley Road Southampton Hampshire	drawing title - Floor Plan of commercial premises	drawing no - 001
	client - Mr Singh	notes -	drawn by - JS checked by - JC scale(s) - 1:1250 / 1:100
© CS PARTNERSHIP OWN THE COPYRIGHT OF THIS DRAWING NOT TO BE USED OR COPIED WITHOUT THEIR PERMISSION. 2006		status - PRELIMINARY PLANNING B CONTROL PARTY WALL <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> FOR INFORMATION FOR APPROVAL FOR CONSTRUCTION <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

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



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

19th July 2011

Southampton City Council
Licensing Team
PO Box 1344
Southampton
SO15 1WQ

Dear Sir/Madam

I write with reference to Harvinder and Hardeb Singh Rathor's application for a premises licence, a copy of which was received by Southampton City Council's Trading Standards Service on 11th July 2011. The application relates to the premises at 300 Shirley Road, Southampton, formerly trading as R&J Off Licence. I object to the granting of a premises licence, and give the reasons for my objection below.

R&J Off Licence, 300 Shirley Road was subject to a licence review, which was heard on 27th January 2011. A copy of the application is enclosed. The Review was brought by Trading Standards, and related to the possession for sale of counterfeit alcohol and an underage sale of alcohol to a 16 year old. Gurmail Singh Rathor was the Premises Licence Holder and Harvinder Singh Rathor was the Designated Premises Supervisor when the offences were committed.

The review resulted in the revocation of the premises licence. I believe that the sub committee's decision was due in part to the seriousness with which they regarded the offences, and the attitude of the Premises Licence Holder: counterfeit alcohol has been linked to poisoning of the consumers; Gurmail Singh Rathor made the unlikely claim that he obtained the counterfeit vodka from supermarkets, such as Tesco's, Asda, Sainsburys and Morrisons, but he was unable to produce receipts for their purchase.

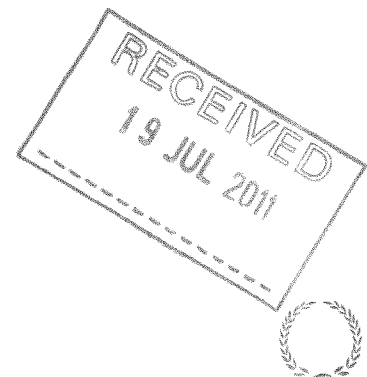
I understand that the business which intends to trade from 300 Shirley Road, is owned by the same family as R&J Off Licence. One of the applicants, Harvinder Singh Rathor was clearly ineffectual as a DPS at the time that the offences were committed, and in my opinion is not suitable as the Premises Licence Holder of this business.

Following revocation of the licence Gurmail Singh Rathor phoned me regarding the matter and asked whether a new licence would be granted if he, or a family member, applied. I informed him that I could not prevent him applying, but I would object to any application for a new licence being granted to him and his family.

R&J's licence was revoked for good reason. The same family are behind the new application. It would be perverse if a licence were granted in these circumstances.

Yours faithfully

Lucas Marshall
Trading Standards Officer



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 R & J Beers, Wines & Spirits, 300 Shirley Road, Southampton, SO15 3HL	
Post town Southampton	Post code (if known) SO15 3HL
Name of premises licence holder or club holding club premises certificate (if known) Gurmail Singh Rathor	
Number of premises licence or club premises certificate (if known) 2009/00696/01SPRN	

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 Service Southampton City Council Civic Centre Road Southampton SO14 7LY

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 checked="" 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)

The Prevention of Crime and Disorder
Public Safety
Protection of children from harm

On 21st July 2010 during an inspection at R & J Beers, Wines and Spirits, 300 Shirley Road, Southampton, I found 7 bottles of counterfeit vodka in possession for sale.

Counterfeit vodka has increasingly been found by Trading Standards Officers around the country. It is often produced from industrial alcohol which is imported into the UK. It is diluted and packed in bottles which are copies of a variety of brands. Clearly controls over the quality of the product are not as strict as would be found at a distillery producing the genuine product, and issues have been reported regarding excessive levels of methanol being present, which is poisonous.

Paragraph 11.26 of the October 2010 Amended Guidance Issued Under Section 182 of the Licensing Act 2003 states that "there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously." Which includes "the use of the licensed premises for the sale of smuggled tobacco and alcohol". It is highly unlikely that duty would have been paid on the counterfeit vodka.

It is considered that the holder of the premises licence has not fulfilled the duty under the Licensing Act 2003 to prevent crime and disorder and to protect public safety. We are therefore applying to review the licence.

In the supporting information we give more details and state the conditions we would wish to see added to the licence in order to promote the above licensing objective.

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

On 21st July 2010 I conducted a joint inspection at R& J, 300 Shirley Road, Southampton with Police Licensing Officers Sue Tait and Mike Sullivan.

During the inspection I examined 70cl bottles of Glen's brand vodka. 7 bottles appeared to be counterfeit so I took one bottle as a food sample, reference 012074, and took the remaining 6 bottles as sample reference 012073. The public analyst subsequently confirmed that sample 012074 was not genuine Glen's Vodka (Certificate of Analysis exhibit LM/1). I also have a statement from Tom Taylor, Quality Manager of Glen Catrine Bonded Warehouse, who confirms that, from the markings on the seven bottles sampled, all were counterfeit.

Gurmail Singh Rathor, the Premises Licence Holder, and owner of the business, agreed to be interviewed on 20th October 2010, but failed to attend our office for the interview. On 22nd October 2010 I conducted a recorded interview with Mr Rathor. I produce a CD recording of the interview as exhibit LM/2).

During interview Mr Rathor stated that he buys spirits for sale at his premises from supermarkets, such as Tescos, Asda, Sainsburys and Morrisons, whilst he is buying his home shopping. He said that he does not keep receipts for these purchases. He was unable to show purchase receipts relating to the counterfeit vodka. It is highly unlikely that major supermarkets would sell counterfeit vodka.

Incidents of poisoning following consumption of counterfeit vodka have been reported occurring across the UK. It is not acceptable that a premises licenced by this Authority should become a market place for such goods. I would therefore request that the following conditions are imposed on the premises licence to promote the licensing objectives:

- "The Premises Licence Holder must keep complete records, such as invoices, receipts and delivery notes, relating to alcohol obtained by him for sale from 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 his 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 present at his premises "

Gurmail Singh Rathor has previously received a Simple Caution regarding the sale of alcohol to a 16 year old boy, which occurred at R&J on 18th June 2009, so I would also request that the following conditions are imposed on the premises licence so as to assist the licence holder and designated premises supervisor in the effective management of the premises and to promote the licensing objectives.

- "The holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the Licensing Authority proving that individual to be 18 years of age or older. 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. Notices regarding the store's "Challenge 25" policy must be displayed"

- "All staff who sell alcohol will be trained to NCPLH (National Certificate of Personal Licence Holder) level. All sales of alcohol must be directly supervised and authorised by a Personal Licence Holder until such staff have achieved training to NCPLH level."

- "That staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records, signed and dated by the member of staff, are kept of this refresher training. Records of training will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other Responsible Authorities on request."

- "The holder of the premises licence shall keep a written record, namely a refusals book, of those incidents where a person who a member of staff believes to be under the age of 18, and is unable to produce acceptable means of identification proving that they are of 18 years or more, attempts to purchase alcohol and is refused. The record shall include details, in English, of the date, time, a brief description, including estimated age, of the person who attempted to purchase the alcohol, the type of alcohol and the name of the person who refused the sale. Staff shall be trained in the use of the refusals book and it should be kept in a readily accessible place known by all members of staff. The record will be regularly checked by the premises licence holder or the designated premises supervisor to ensure that all staff are completing records and, and this person will sign and date the record as evidence that they have checked it. The refusals book will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other Responsible Authorities on request."

- "A CCTV system shall be installed and maintained in the licensed premises to the satisfaction of the Licensing Authority, Hampshire Constabulary and Trading Standards. As a minimum, it shall enable surveillance of both external and internal areas of the premises including entrances and exits. Recordings from the system shall be of a quality acceptable as evidence in a court of law and shall be securely retained at the licensed premises for a minimum period of 30 days after the recording, and shall be surrendered to Hampshire Constabulary, the Licensing Authority, or Trading Standards immediately on request. The Premises Licence Holder and staff must be capable of operating the CCTV system".

- I would also ask that the licence is suspended for a period of 3 months, both as a deterrent and to give the Premises Licence Holder a period of time in which to put the above conditions into effect.

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

N/A

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

.....

Date

.....

Capacity Trading Standards Officer

.....

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

Lucas Marshall
Trading Standards Service
Southampton City Council
Civic Centre Rd

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)

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.

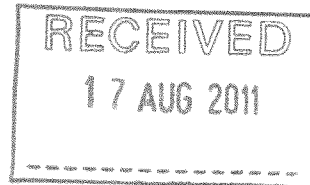
Trading Standards Service
Southampton City Council
Civic Centre
Southampton SO14 7LY



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

17th August 2011

Southampton City Council
Licensing Team
PO Box 1344
Southampton
SO15 1WQ



Dear Sir/Madam

Further to my letter of 19th July 2011 regarding my objection to Harvinder and Hardeb Singh Rathor's application for a licence at 300 Shirley Rd, Southampton, I would like to add the following:

On 2nd August 2011 PC Jon Harris and I visited CK's, 92 St Marys rd, Southampton. I examined spirits which were displayed for sale. A number of the bottles did not bear UK Duty Stamps, as required under the Duty Stamps Regulations 2006, indicating that UK duty is not likely to have been paid. I seized a total of 37 bottles and samples have been submitted to the Public Analyst to determine whether they are counterfeit. I am currently awaiting the results.

Hardeb Singh Rathor was present at the business at the time of my visit. After introducing myself to him he made a phone call. Shortly after that two gentlemen arrived, one who identified himself as Hardeb's father but would not give his full name. He proceeded to be verbally abusive, aggressive and intimidating throughout the visit. He argued that as you can bring duty free alcohol into the country it is not a problem to sell it. There was also a younger man who appeared to be associated with them who remained outside of the store.

Harvinder Singh Rathor is the DPS at this store. He was also the DPS at R&J Off Licence, 300 Shirley Road, Southampton, prior to the licence being revoked following a licence review concerning the sale of counterfeit vodka at that premises. Under Section 144 of the Licensing Act 2003 the DPS and Premises Licence Holder commit an offence if he knowingly keeps or allows to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

Mr Butler states in his letter of 15th August 2011 regarding my objection to the application for a licence at 300 Shirley Road that:

"Mr Singh Rathor Senior retains ownership of the property, and all its attendant liabilities. He seeks to make it earn its keep. It is correct that the proposed license is now sought for another member of the same family, who again will have full responsibility to run it as their own personal business. Harvinder Singh Rathor is an experienced licence holder. Trading Standards state in their letter, "It would be perverse if a licence were granted in these circumstances". We would reverse that statement; it would be perverse for the Licensing Authority to condemn all members of a family for the failings of one of them."

I do not wish to condemn the whole family but I would also wish to make it quite clear that my concerns are not associated with Gurmail Singh Rathor alone. Harvinder Singh Rathor has been ineffectual as a DPS at R&J and CK's: he has clearly taken no action to prevent sale of illicit alcohol at the premises. For information other issues which we have had with the family's businesses include: an underage sale of alcohol at CK's on 15th November 2007, for which



INVESTOR IN PEOPLE

Harvinder received a Penalty Notice for Disorder (PND); an underage sale of alcohol at R&J's, for which Jugmail Singh Rathor received a PND and Gurmail accepted a Simple Caution.

I would also add that the confrontational behaviour of family members during and following inspections at R&J's and CK's is not appropriate: this is the only off licence in Southampton where I would consider the presence of a Police Officer during a Trading Standards inspection to be a necessity. In 2008, following an attempted under age test purchase at CK's, one of their members of staff chased after our Officers, and the child volunteer, in their vehicle. Following the recent inspection at CK's again our vehicle appeared to be followed by the younger male referred to above. This is not appropriate behaviour and gives me further cause for concern regarding the attitude of the family and the manner in which they operate their businesses.

Yours faithfully

Lucas Marshall
Trading Standards Officer

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



HAMPSHIRE CONSTABULARY

**NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

Before completing this form please read the guidance notes on page 3.
Once completed please send your representation form to your local Licensing Authority.
You must keep a copy of the completed form for police records.

**Hampshire Constabulary wish to make a representation(s) regarding the grant or variation of a
Premises Licence or Club Premises Certificate issued under the Licensing Act 2003.**

These representations must be made within 28 days

Postal address of premises or club premises: 300 Shirley Road, Shirley			
Post town:	Southampton	Postcode:	SO15 3HL

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

Police Details

Hampshire Constabulary is a responsible authority.

Name and address: PC 3942 Lindley Violent Crime and Licensing Unit Southampton Central Police Station Southern Road Southampton SO15 1AN

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

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

*Please select
one or more
boxes*



HAMPSHIRE CONSTABULARY

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

State the ground(s) for representation *(please read guidance notes 1 & 2)*

On behalf of the Chief Officer of Police, I am writing to make a representation to the above application for a Premises Licence, on the following grounds:

- 1) Public safety.
- 2) The protection of children from harm.

The Police make this representation based on the previous incidents at the premise which was the subject of a licence review on 27th January 2011. This led to the revocation of the Premises Licence. Both of these applicants were previously involved with the premises at the time the licence was revoked. That review was brought by Trading Standards because the premise was not supporting the above mentioned licensing objectives. The Premises Licence review was brought following failed test purchase operations and seizure of counterfeit and non-UK duty paid alcohol. This can be evidenced by Trading Standards.

Harvinder Singh RATHOR is the proposed Designated Premises Supervisor (DPS). He was the previous DPS for this premise while under review. As a DPS Harvinder Singh RATHOR was fully involved with the running of the premises and therefore is inherently responsible for the offences committed.

Harvinder Singh RATHOR has previously been issued with a fixed penalty notice on 15 November 2007 by PC 2193 Sullivan for supplying alcohol to a person under the age of 18 years old. This is clear evidence for not supporting the licensing objectives with reference to protecting children from harm. This occurred at another store owned by the same family which is CK's, St Mary's Road, Southampton. He is currently the DPS at CK's.

PC 24288 Harris attended CK's at the request Trading Standards officers on 2nd August 2011. This was because the owners/employees had been difficult and aggressive on previous visits. Harvinder Singh RATHOR was not present but Hardeb Singh RATHOR was present and serving customers. On this occasion the Premise Licence Holder (Raghibir RATHOR) arrived and, together with Hardeb Singh RATHOR, were obstructive and displayed aggression to officials, even with the presence of police. Bottles of Polish vodka were seized which were suspected to be non-UK duty paid (Trading Standards can provide evidence of this visit). This shows the same problems are ongoing within the family run businesses that have still not been addressed to support the licensing objectives.

There is a clear family link between the premise for this application and CK's as the same persons are



HAMPSHIRE CONSTABULARY

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

involved at both premises. Both venues are subject to the same problems. These recent and ongoing incidents indicate the applicants are not in support of the licensing objectives in terms of protecting children from harm and, more recently, public safety (relating to the possession of non-UK duty paid alcohol). The applicants have either previously been involved with this same premise or are related to those involved, many of whom demonstrate obstructive and aggressive behaviour towards authority. They are not demonstrating any willingness to change their attitude or behaviour towards supporting the licensing objectives. Hampshire Constabulary feel that if this application for a new Premises Licence were granted then the premise would continue to be run in the same manner as it was previously and there is likely to be continuing offences which go against the licensing objectives.

The Police are of the opinion that this application, if granted, is highly likely to lead to the premise operating to the same poor standards that were evident prior to the Premises Licence being revoked. Ultimately this is because the same people are involved. The Police would suggest that Harvinder Singh RATHOR and Hardeb Singh RATHOR are not suitable or responsible enough as Premises Licence Holders as they have demonstrated by their actions and behaviour that they are not in support of the licensing objectives.

With regards to the proposal of Harvinder Singh RATHOR becoming the DPS of 300 Shirley Road, police would object to this on the grounds that he is already the DPS at another venue. The rationale behind this is that the DPS is ultimately responsible for the venue, there and cannot be in two places at any one time to deal with issues at separate venues.

State any conditions that the Police seek to negate the need for a hearing

The proposed conditions would be:

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 should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.

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.

There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies on request of the Police or local authority. Any images recovered must be in a viewable format on either disc or VHS.

The recording system will be able to capture a minimum of 4 frames per second.



HAMPSHIRE CONSTABULARY

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

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.

CCTV warning signs to be fitted in public places.

Recordings to be kept for a minimum of 28 days.

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.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 02380 674768 immediately.

INCIDENT BOOK

An incident book will be provided and maintained at the premises and there will be a daily debrief of door staff (where used) at the close of business which will be evidenced in writing by the Manager on duty. Should there be no incidents then this will also be recorded at the end of the shift in the incident book.

The incident book will remain on the premises at all times and will be available to police upon request.

The book shall detail in brief, incident of injury/ejection/refusals/drug misuse/ i.d seizure/age challenge. Where there is an injury, ejection of physical altercation the entry shall be timed, dated and signed by the author. If the member of staff involved has difficulties reading or writing then the entry may be written by another party. This should however be read back to the person involved and counter signed. Should there be any physical interaction by members of staff and public the entry will include what physical action occurred between each party.

REFUSALS BOOK

A refusals book to be kept detailing numbers, dates and times of incident and description of people refused service of alcohol with reasons why (Including incidents relating to disorder) to the reasonable satisfaction of Hampshire constabulary. The incident book will remain on the premises at all times and will be available to police upon request.

CHALLENGE 25

There will be a Challenge 25 policy operated at the premises. Challenge 25 meaning that the holder of the premises licence shall ensure that every individual who appears to be under 25 years of age



HAMPSHIRE CONSTABULARY

**NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
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seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the licensing authority proving that individual to be 18 years of age or older. 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.

TRAINING

Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; signs and symptoms of drunk persons, refusal of sale due to intoxication and that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records are signed and dated by the member of staff are kept of this refresher training. Records will be available for inspection by Hampshire Constabulary and the licensing Authority.

AUTHORISATION OF SUPPLY OF ALCOHOL IN ABSENCE OF DPS

A record will be kept at the premise of any persons that the DPS has authorised to supply alcohol. Further to this when the DPS is absent from the premise a list will be made available stating who will be managing the venue.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS REPRESENTATION

Part 3 – Signatures (please read guidance note 3)

Recommendation of Police Officer

I recommend that the application for a new Premises Licence is rejected on the grounds that the premises is not likely to be operated in a manner which would support the licensing objectives of preventing children from harm and promoting public safety.

Signature of Police Officer Completing

Signature:

Date: 17/8/11



HAMPSHIRE CONSTABULARY

**NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

Recommendation of Police Sergeant

[Empty box for Recommendation of Police Sergeant]

Signature of Police Sergeant

Signature:

Date:

Decision of Police Licensing Inspector

Clearly need to object to protect the public.

Signature of Police Licensing Inspector

Signature:

Date:

17/8/11

NOTES FOR GUIDANCE

1. The ground(s) for representation 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 representation if available.
3. The representation form must be signed.

Notice Number : A40042545 Batch No. : 15082

OFFENCE DETAILS

Offence Date : 15/11/2007 Time : 18:00:00
Offence : DA18 - Sale of alcohol anywhere to a person under 18
Location : CK'S ST MARYS ROAD
SOUTHAMPTON
Issuing Force : SOUTHAMPTON CENTRAL POLICE STATION
Issuing Officer : PC/2193/M SULLIVAN

NOTICE DETAILS

Notice Status : PAID CONFIRMED
Notice State : ISSUED

Roadside Dep? : NO Summons? : NO
SEP Start Date : 15/11/2007 Extra Days : 0 End Date : 20/12/2007
Suspension :
Suspension Date : Period : Expiry :
Local Authority :

OFFENDER DETAILS

Title : MR
Forenames : HARVINDER 185 Northumberland Road
Surname : RATHOR
Type : Other Southampton
Sex : MALE
Country : United Kingdom Soly OEP

Ethnic Codes

Officer Reported :Asian
Self Classified :Indian

NOTES

(No notes against this notice)

NOTICE EVENTS

Date	Time	Description
17/12/2007	12:29:18	NOTICE INPUT
03/12/2007	13:23:43	PAYMENT RECEIVED
11/02/2004	11:23:36	NOTICE ALLOCATION

***** END OF REPORT *****