

Reference: 2011/02611/01SRAP

Hearing:

15th December 2011

### Application for Review of Premises Licence

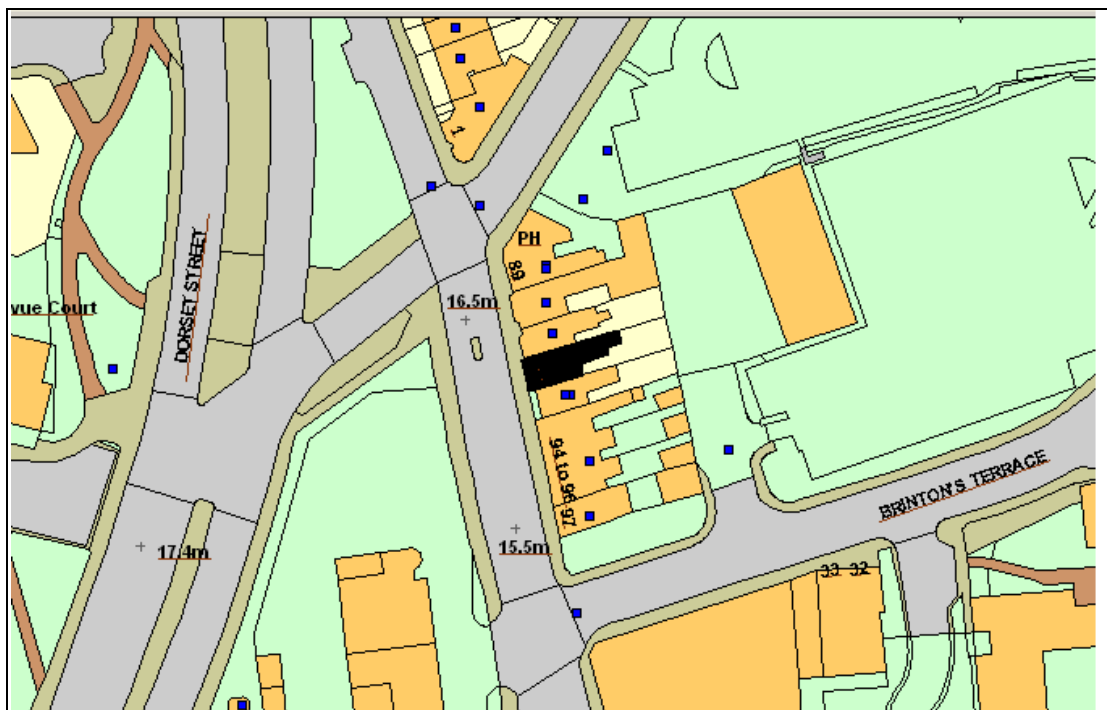
Premises Name: CK's Food, Wine And  
Spirits

Application Date: 24th October 2011

Premises Address: 92 St. Mary's Road  
Southampton  
SO14 0AH

Application Received Date:  
25th October 2011

Application Valid Date:  
25th October 2011



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Southampton City Council Licence No. 100019679 2007.

## ***Representation From Responsible Authorities***

<b>Responsible Authority</b>	<b>Satisfactory?</b>	<b>Comments</b>
Child Protection Services - Licensing	No response received	
Hampshire Fire And Rescue - Licensing	No response received	
Environmental Health - Licensing	Yes	No comments to make from Environmental Health as the issues are outside of our remit.  P D Wainwright Principal EHO
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***

<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
None		

## ***Legal Implications***

1. Part 3 of the Licensing Act 2003 provides that a responsible authority of a resident or business in the vicinity (interested party) may apply for review of a premises licence.
2. The grounds of review applications must relate to one or more of the licensing objectives.
3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.
4. On receipt of the application for review, the 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 or more of the licensing objectives and;
  - (in the case of an application not made by a responsible authority), that the application is frivolous, vexatious or repetitious.
5. The City Council must, within one day of receiving the application for review, display a prescribed notice of the review application on the outside or adjacent the premises; the notice must remain on display for 28 days and any interested party in the vicinity or the responsible authorities may make representations in that period.
6. Unless the applicant, licence holder, interested parties and responsible authorities agree that a hearing is unnecessary, the City Council is then required to hold a hearing to consider the review.
7. The sub-committee, in considering the application for review, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
8. The Licensing Act 2003 provides that, in determining an application for review, 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.
9. The Licensing Act 2003 makes provision for appeal to the Southampton Magistrates' Court against the sub-committee's decision in relation to an application for review.
10. In considering this application the sub-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 sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
11. Copies of the application for review and the Police objection are annexed to this report.
12. The sub-committee must also have regard to:-
13. *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.

#### *14. 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 affect 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.



**Hampshire Constabulary**  
Chief Constable Alex Marshall

Southampton City Council  
Licensing Team  
PO BOX 1344  
Southampton  
SO15 1WG

Southampton Central Police Station  
Southern Road  
Southampton  
Hampshire  
SO15 1AN

**Our ref:** 44100100557

**Your ref:**

**Telephone:** 0845 045 45 45

**Direct dial:** 02380674768

**Fax No:** 023 8067 4397

**Deaf/speech impaired minicom:** 01962 875000

**Email:** southampton.licensing@hampshire.pnn.police.uk

25<sup>th</sup> October 2011

Dear Sir or Madam,

Hampshire Constabulary is applying for a review of the premise licence of CK's Food, Wine & Spirits, 92 St Mary's Road, Southampton. You will find enclosed the application complete with the grounds of the review and initial disclosure.

Should you have any queries please do not hesitate to contact me.

Yours faithfully,

PC 24191 Bethan Wood

Violent Crime & Licensing Department  
Southampton





### Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

I PC 24191 Bethan Wood, on behalf of the Chief Officer of Hampshire Constabulary, *(Insert name of applicant)*

- Apply for the review of a premises licence.
- Apply for the review of a club premises certificate. *(Select as applicable)*

#### Premises or Club Premises details

Postal address of premises:	CK's Food Wine & Spirits, 92 St Mary's Road, Southampton
Postcode <i>(if known)</i> :	SO14 0AH

Name of premises licence holder or club holding club premises certificate <i>(if known)</i>	Ragbir Singh RATHOR
---	---------------------

Number of premises licence or club premises certificate <i>(if known)</i>	2007/00746/01SPRN
---	-------------------

#### Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC 24191
Surname:	WOOD
First Names:	BETHAN
Current postal address :	Southampton Violent Crime Reduction & Licensing Team Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380 674768
E-mail address: <i>(optional)</i>	southampton.licensing@hampshire.pnn.police.uk

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003





**Application for the review of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

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

- |   | <i>Select one or more<br/>boxes</i> |
|---|-------------------------------------|
| 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 grounds for review which must be based on one or more of the licensing objectives together with supporting information:

On behalf of the Chief Officer of Police I am writing to request review of the above Premises Licence. The review is requested on the following grounds:

- 1) The prevention of crime & disorder
- 2) Public safety
- 3) The protection of children from harm

The Police make this request based on recent events at the premise and concerns over the attitude of the management towards the authorities and the licensing objectives.

The DPS for the premise is Harvinder Singh RATHOR. RATHOR has previously been issued with a fixed penalty notice on 15th 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. RATHOR has since gone on to commit the offence a second time. On the 20th August 2011 Harvinder Singh RATHOR supplied alcohol to a person under the age of 18 years old during as test purchase operation. He has been reported for summons in respect of this offence and Hampshire Constabulary will be requesting that his personal licence be revoked at court. Harvinder continues to demonstrate a complete lack of understanding of the expectations of Personal Licence Holders and in committing this offence for the second time also fails to comply with the three licensing objectives of Prevention of crime and disorder, Public safety, and Protection of children from harm.

Harvinder Singh RATHOR was also DPS for another store owned by the same family - R & J Wines & Beers. This premise was subject of a review on 27th January 2011 which led to revocation of the Premises Licence. This review was brought following failed test purchase operations, and seizure of counterfeit and non-duty paid alcohol (21st July 2010). On 22nd September 2011 Harvinder Singh RATHOR and Hardeb Singh RATHOR re-applied for a premises licence in respect of R & J Wines & Beers (to now be called R R Food & Wine). The application was objected to by both Police and Trading Standards. In refusing the application, the decision notice of the sub committee states that "The sub-committee was not satisfied that the applicants would be capable of running the premises in accordance with the Licensing Objectives, in particular the protection of children from harm, and public



### Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

safety".

The same issues now lead to the review of the Premises Licence in respect of CK's Food, Wine & Spirits. On 13th July 2011 a Trading Standards Officer bought a bottle of Sobieski vodka. The bottle did not bear a duty stamp as required under The Duty Stamp Regulations 2006. Harvinder Singh RATHOR is clearly continuing to sell non-duty paid alcohol, knowingly committing an offence in doing so. He demonstrates a disregard for his responsibilities as a Personal Licence Holder and Designated Premises Supervisor and does not support the licensing objective of Prevention of Crime and Disorder.

Furthermore, on 2nd August 2011 PC 24288 Harris attended CK's at the request of Trading Standards. This was because the owners and employees had been difficult and aggressive on previous visits. Harvinder Singh RATHOR was not present on this occasion but Hardeb Singh RATHOR was present and serving customers. On this occasion the Premise Licence Holder Raghbir RATHOR arrived and, together with Hardeb Singh RATHOR, was obstructive and displayed aggression to officials and Police. Bottles of Polish vodka were seized which were suspected to be non-duty paid. Trading Standards and PC HARRIS provide evidence of this visit. This shows an ongoing hostility towards authority and demonstrates that the same issues dealt with at R&J's are inherent within the business practise at CK's. This is yet another incident at the premises, failing to promote the licensing objectives or Prevention of Crime and Disorder and Public Safety.

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". This includes "the use of the licensed premises for the sale of smuggled tobacco and alcohol". Paragraph 11.27 states that "it is envisaged that licensing authorities, the police, 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 police are of the opinion that continued operation of the premises by Harvinder Singh RATHOR will result in consistent failure to meet the licensing objectives, and flagrant breaches of licensing law. The very same issues that lead to the revocation of the licence at R & J Wines & Beers have been repeated at CK's Food, Wine & Spirits. The police therefore seek review of the premises licence with a view to revocation, and suggest that allowing retention of the licence would be perverse in the circumstances set out above.

Have you made an application for review relating to these premises before:  Yes |  No

If yes please state the date of that application:

  /      /    
  Day   Month   Year





### Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

If you have made representations before relating to this premises please state what they were

**Please tick**

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

**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**

Signature of Officer Completing

Name Bethan WOOD

Signature: \_\_\_\_\_

Collar Number: PC 24191

Date: 22/10/11

Signature of Authorising Officer (Inspector or above)

Name

*P. BATES*

Signature: \_\_\_\_\_

Collar Number: 5912

Date: 24/10/11

# **Initial Disclosure**

## TRADING STANDARDS SERVICE WITNESS STATEMENT

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2010 (Rule 27))

STATEMENT OF: **LUCAS MARSHALL**  
 AGE IF UNDER 18: **OVER 18**

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 9th day of SEPT 2011 Signature: \_\_\_\_\_

..... being unable to read the statement,  
 I..... of.....  
 .....read it to him/her before he/she signed it.  
 Dated the ..... day of .....2011... Signature: .....

A My name is Lucas Marshall. I am employed as a Trading Standards Officer by Southampton  
 City Council. On 13<sup>th</sup> July 2011 I requested Fair Trading Officer, Rebecca Adams to enter CK's  
 B the store at approximately 18.00. Shortly after she returned from the store and gave a 70cl  
 bottle of Sobieski vodka to me. The bottle did not bear a duty stamp, as required under The  
 C and placed it in a sealed bag. On 27 July 2011 I submitted the sample to the public analyst and  
 I am currently awaiting the results. On 2<sup>nd</sup> August 2011, at approximately 14.15 I conducted an  
 D inspection at CK's Food & Wine, 92 St Marys Road, Southampton. Police Officer Jonathan  
 Harris and Fair Trading Officer Claire Hill were also present. I showed my identification to the  
 E person behind the counter, who identified himself as Hardev Singh Rathor, and I told him that a  
 purchase of illegal alcohol had been made at this store on 13<sup>th</sup> July 2011. I cautioned him at  
 approximately 14.20. Hardev said that he did not know where the non duty paid alcohol had  
 come from. Shortly after Hardev Singh Rathor made a phone call. Within a few minutes two

ST1(1)HQ Signature: \_\_\_\_\_



PAGE NO: 2 CONTINUATION OF STATEMENT DATED: 09/09/11

BY: LUCAS MARSHALL

A men had arrived, one who identified himself as Mr R Singh. He would not give his first name, but said that he was the father of the owner of the business. He proceeded to be verbally abusive throughout the inspection. He also said that as you can bring duty free alcohol into the country it is not a problem to sell it. I seized a total of 37 bottles of alcohol which I produce as  
B Exhibits LM/1 to LM/5. I produce as Exhibit LM/6 a table which identifies the exhibit numbers, the products seized and their quantity and non compliances with appropriate legislation. Food samples were subsequently taken from the exhibits seized, and submitted to the public analyst. These samples and their sample numbers are identified in Exhibit LM/6. I am currently awaiting  
C the results of analysis for these samples.

Signature: ..

D

E

F

G

ST1(2)HQ



Exhibit LM/6

Incident reference: 1101261/FoodIT  
 Exhibit reference: LM/6  
 Description of article: TABLE INDICATING ALCOHOLIC BEVERAGES

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARJANA

EH.126 07.10.22561

ID Ref.	Product	Total Quantity (no. bottles)	Sample id. (one bottle taken from total)	Offences*
LM/1	Wyborowa vodka	2	012152	DSR CPR
	Bols vodka	1		DSR CPR
	Drop vodka	1	012153	
	Zubrowka vodka	1		DSR CPR
	Beefeater gin	1	012154	DSR CPR
	Smirnoff vodka red	1	012155	
LM/2	Absolwent vodka	4	012156	DSR CPR
	Smirnoff vodka blue berry	1	012157	
	Soplica vodka (dark)	3		DSR CPR
LM/3	Soplica vodka (clear)	3		DSR CPR
	Sobieski vodka	3		DSR CPR
	Wyborowa	1		DSR CPR
LM/4	Wodka Zoladkowa Gorzka Orange	4		DSR CPR
	Wodka Zoladkowa Gorzka Green	4		DSR CPR
LM/5	Zubrowka Vodka	2	012158	DSR CPR
	Lukusowa vodka	2		DSR CPR
	Czysta vodka	2		DSR CPR
	Lukusowa	1		DSR CPR

\*DSR: Duty Stamps Regulations 2006  
 CPR: Consumer Protection from Unfair Trading Regulations 2008



## TRADING STANDARDS SERVICE WITNESS STATEMENT

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2010 (Rule 27))

STATEMENT OF: **REBECCA ADAMS**

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 7<sup>th</sup> day of September 2011 Signature: \_\_\_\_\_

---

..... being unable to read the statement,  
 I ..... of .....  
 ..... read it to him/her before he/she signed it.  
 Dated the ..... day of .....2011... Signature: .....

---

A My name is Rebecca Adams. I am employed by Southampton City as a Fair Trading Officer.  
 On 13<sup>th</sup> July 2011 at approximately 6.00 pm, at the request of Trading Standards Officer, Lucas Marshall, I entered CKs Food & Wine, St Marys Road, Southampton. He had asked me to  
 B purchase a bottle of vodka, acting as a customer. I looked at the bottles and noticed that the 70 cl bottles of Sobieski Vodka did not have duty stamps on them. I took one to the counter and purchased it. It cost £13.99. The seller was a young male in his early 20s. After leaving the  
 C premises I gave the bottle to Lucas Marshall.  
 Signature: ...  
 D  
 E

ST1(1)HQ





### TRADING STANDARDS SERVICE WITNESS STATEMENT

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2010 (Rule 27))

STATEMENT OF: **LUCAS MARSHALL**  
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 5th day of OCT 2011 Signature \_\_\_\_\_

~~..... being unable to read the statement,  
I..... of .....  
..... read it to him/her before he/she signed it.  
Dated the ..... day of ..... 2011. Signature: .....~~

A My name is Lucas Marshall. I am employed by Southampton City Council as a Trading Standards Officer. Further to my statement of 9 September 2011, I produce as Exhibits LM/7 to LM/13 Certificates of Analysis relating to samples 012152 to 012158. I also produce a table  
B which identifies products seized and sampled from CK's, 92 St Marys Road, Southampton and summarises non-compliances with appropriate legislation as Exhibit LM/14. On 29 September 2011 I interviewed Harvinder Singh Rathor, the owner and Designated Premises Supervisor of  
C CK's, 92 St Marys Road, Southampton, in accordance with the Police and Criminal Evidence Act 1984 and associated Codes of Practice. The interview was conducted in the interview room at Trading Standards Service, 7 Civic Centre Road, Southampton. I produce a copy of the  
D interview CD as Exhibit LM/15.

Signature: .  
\_\_\_\_\_  
\_\_\_\_\_

E

ST1(1)HQ





Trading Standards Department  
Southampton City Council  
Civic Centre  
Southampton  
Hampshire  
SO14 7LY

Lab ref: 170424  
Client Ref: 012153  
Date: 09/09/2011  
**Opinion Unsatisfactory**  
Reported by Shayne Dyer

## REPORT OF ANALYSIS

Labelled as: **DROP VODKA**

Location: **CK's 92 St Marys Road, Soton.**

Sampled by: **L Marshall**

Date taken: **02/08/2011**

Date submitted: **05/08/2011**

### Observations:

The declared alcoholic strength was 37.5 % volume.

The uncertainty of measurement is 0.4% alcohol by volume.

The difference between the amount of alcohol found and the amount declared taking into account the uncertainty of measurement was 14.6% by volume. This difference is outside the permitted tolerance of 0.3% alcohol by volume prescribed in The Food Labelling Regulations 1996 for vodka.

The sample had an alcohol content of 14.3% volume less than the minimum permitted.

H M Revenue and Customs requires all bottles of spirits with a strength of 30% alcohol by volume or more, of a capacity of 35cl or more, to bear a duty stamp if they are removed to home use in the UK. A genuine duty stamp fluoresces under UV light.

The bottle had a capacity of 700ml (70cl). The trade label bore a duty stamp but it did not fluoresce under UV light.

In my opinion the sample did not bear a genuine duty stamp.

Determination	Result	Method
Alcohol % v/v	22.5	05.109

Lab ref: 170424



Shayne Dyer  
Technical Manager and Public Analyst



Opinions and interpretations expressed herein are professional observations and are outside the scope of UKAS Accreditation.

Unless you request otherwise the above sample will be disposed of 28 days from the date of this report.

Lab ref: 170424



Incident reference

11/01261/FOODS T

Exhibit reference

LM/8

Description of article

CERT. OF ANALYSIS  
SAMPLE NO. 012153

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 07.10.22561



**Trading Standards Service**

Incident reference

11/01261/FOODST

Exhibit reference

LM/8

Description of article

CERT. OF ANALYSIS  
SAMPLE NO. 012153

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 07.10.22561



**FOOD SAFETY ACT 1990**

CERTIFICATE OF ANALYSIS OR EXAMINATION CARRIED OUT UNDER FOOD SAFETY  
(SAMPLING AND QUALIFICATIONS) REGULATIONS 1990

To: Lucas Marshall Southampton City Council, Civic Centre,  
Southampton, Hampshire, SO14 7LY

I, the undersigned, Public Analyst for Southampton City Council, certify that on 05/08/2011 the sample marked:

<u>Date sample taken</u>	<u>Reference number, description etc.</u>	<u>Weight/measure</u>
02/08/2011 1420	012152 WYBOROWA VODKA	700ml

Place of Sampling: CK's 92 St Marys Road, Soton

was received by me from you (the person named above)

I certify that the sample was analysed by me or under my direction and the results are as follows:-

Alcohol % v/v : 39.9

My opinion and observations are:-

H M Revenue and Customs requires all bottles of spirits with a strength of 30% alcohol by volume or more, of a capacity of 35cl or more, to bear a duty stamp if they are removed to home use in the UK.

The bottle had a capacity of 700ml (70cl). The trade label did not bear a duty stamp.

The alcohol content found by analysis agrees with the declared alcoholic strength on the trade label.

9 September 2011

Lab ref: 170423

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certified by me this 9th day of September 2011, at Southsea

Signature: \_\_\_\_\_

Name: SHAYNE DYER  
PUBLIC ANALYST

Official address/Telephone No: As Letterhead

Unless you request otherwise this specimen will be disposed of 28 days from the date of this report.

9 September 2011  
Lab ref: 170423



Trading Standards Service

Incident reference

11/01261/FOODST

Exhibit reference

LM/7

Description of article

CERT. OF ANALYSIS  
SAMPLE NO: 012152

Signature of person originally identifying

Name of person originally identifying (in block letters)

LUCA MARINALL

EH.126 07.10.22561



1398



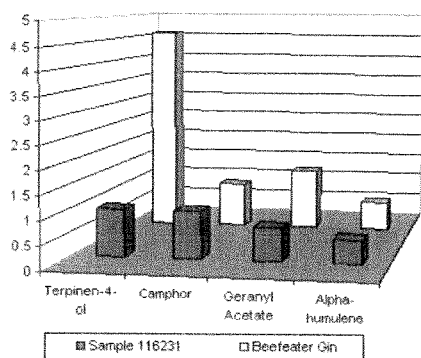
Opinion Not Satisfactory

To: L Marshall  
 Southampton City Council  
 Trading Standards Services  
 Civic Centre  
 Southampton  
 SO14 7LY

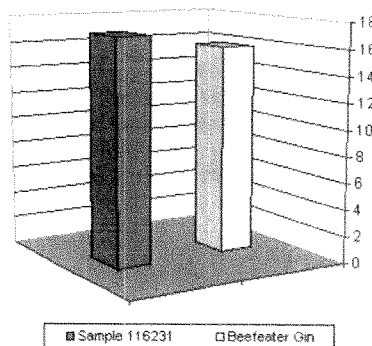
**Kent Scientific Services**  
 Public Analyst  
 Peter Maynard  
 MChemA CChem MRSC



Comparison between the sample and authentic brand



Botanical congeners found in Gin



Botanical congener Linalool

**Certificate of Analysis carried out under Food Safety (Sampling and Qualifications) Regulations 1990.**

Reference number 012154 Seal No 03714186 Weight or Volume 1000mls  
 Date sample taken 08/09/2011 Place of Sampling: CK's 92 St Mary's Road, Southampton.  
 Description Beefeater Gin 47% 1L

I, the undersigned, Public Analyst for Southampton City Council, certify that on 11 August 2011 the sample marked as above was received by me from you (the person named above). I certify that the sample was analysed by me or under my direction and the results are as follows:-

Test Name	Test Result	Method Code	Method Recovery %
Alcohol	47.0 %vol	KSS M6	
Methanol	0.5 g/100L alc	KSS M61	
Total Solids	0.020 g/100mL	KSS M6	
congener Linalool	17.1 g/1000Lalc	KSS M61A	
congener Terpinen-4-ol	1.0 g/1000Lalc	KSS M61A	
congener Alpha-humulene	0.5 g/1000Lalc	KSS M61A	
congener Camphor	1.0 g/1000Lalc	KSS M61A	
congener Alpha-pinene	12.0 g/1000Lalc	KSS M61A	
congener Geranyl acetate	0.7 g/1000Lalc	KSS M61A	

**My opinion and observations are:**

UNSATISFACTORY - Labelling

The sample consisted of an intact polythene bag with intact seal 03714186 and contained a trade sealed clear glass 1L bottle of clear colourless liquid with the odour of gin.

The alcohol content was within the permitted tolerance for a declared content of 40% by volume.

Although the amount of terpinen-4-ol was lower than most other samples of genuine Beefeater Gin examined in this laboratory, in my opinion this was not in itself sufficient to indicate that the gin was counterfeit.

The amount of methanol was satisfactory.

There was no duty stamp on the bottle, but there was a statement "Imported from England". For a spirit to be sold legally in the UK, it must have a UK duty stamp.

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

The test result for a contaminant has been corrected for recovery using the average method recovery indicated and consists of the analytical result followed by the measurement uncertainty value that is based on a coverage factor of 2 providing a level of confidence of approximately 95%. Test methods not in the UKAS Accreditation schedule are marked \*. Subcontracted tests are marked +. Labels will be disposed of in 30 days unless KSS are instructed otherwise.

PETER MAYNARD

14 September 2011 pdf 12:36

E

Public Analyst

Kent Scientific Services, 8 Abbey Wood Rd Kings Hill. Kent. ME194YT





Trading Standards Service

Incident reference

11/01261/FOODST

Exhibit reference

LM/9

Description of article

CERT. OF ANALYSIS  
SAMPLE No. 012154

Signature of person originally identifying

Name

(letters)

LUCA MARINALL

EH.126 07.10.22561



Trading Standards Department  
Southampton City Council  
Civic Centre  
Southampton  
Hampshire  
SO14 7LY

Lab ref: 170425  
Client Ref: 012155  
Date: 08/09/2011  
**Opinion Satisfactory**  
Reported by Shayne Dyer

## REPORT OF ANALYSIS

Labelled as: **SMIRNOFF Red Vodka 70cl 37.5%**

Location: **CK's 92 St Marys Road, Soton**  
Sampled by: **L Marshall**  
Date taken: **02/08/2011**  
Date submitted: **05/08/2011**

**Observations:**

The concentrations of sugars are consistent with the sample being genuine Smirnoff brand vodka.  
The duty stamp fluoresced indicting a genuine label.

<u>Determination</u>	<u>Result</u>	<u>Method</u>
Alcohol % v/v	37.4	05.101
Fructose mg/l	26.9	75.005
Glucose mg/l	29.0	75.005
Sucrose mg/l	36.0	75.005
* Date code/batch mark	3104667701	
* Appearance	Satisfactory	
* Tag Number	03714190	90.434

Shayne Dyer  
Technical Manager and Public Analyst



0024

Opinions and interpretations expressed herein are professional observations and are outside the scope of UKAS Accreditation.

Tests marked "\*" in this report are not UKAS accredited and are not included in the UKAS Accreditation Schedule for our laboratory.

Unless you request otherwise the above sample will be disposed of 28 days from the date of this report.

Lab ref: 170425



Trading Standards Service

Incident reference

11/01261/K0005T

Exhibit reference

LM/10

Description of article

CERT OF ANALYSIS  
SAMPLE NO. 012155

S

ing

Name of person originally identifying (block letters)

LUCA MARSHALL

EH.126 07.10.22561



### FOOD SAFETY ACT 1990

#### CERTIFICATE OF ANALYSIS OR EXAMINATION CARRIED OUT UNDER FOOD SAFETY (SAMPLING AND QUALIFICATIONS) REGULATIONS 1990

To: L Marshall  
Southampton City Council, Civic Centre,  
Southampton, Hampshire, SO14 7LY

I, the undersigned, Public Analyst for Southampton City Council, certify that on 05/08/2011 the sample marked:

<u>Date sample taken</u>	<u>Reference number, description etc.</u>	<u>Weight/measure</u>
02/08/2011 1420	012156 ABSOLWENT VODKA	700ml

Place of Sampling: CK's 92 St Marys Road.

was received by me from you (the person named above)

I certify that the sample was analysed by me or under my direction and the results are as follows:-

Alcohol % v/v : 39.7

My opinion and observations are:-

H M Revenue and Customs requires all bottles of spirits with a strength of 30% alcohol by volume or more, of a capacity of 35cl or more, to bear a duty stamp if they are removed to home use in the UK.

The bottle had a capacity of 700ml (70cl). The trade label did not bear a duty stamp.

The alcohol content found by analysis agrees with the declared alcoholic strength on the trade label.

9 September 2011

Lab ref: 170426

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certified by me this 9th day of September 2011, at Southsea

Signature:



Name: SHAYNE DYER  
PUBLIC ANALYST

Official address/Telephone No: As Letterhead

Unless you request otherwise this specimen will be disposed of 28 days from the date of this report.

9 September 2011  
Lab ref: 170426



Trading Standards Service

Incident reference

11/01261/KOOPST

Exhibit reference

LM/11

Description of article

CERT. OF ANALYSIS  
SAMPLE No. 012156

Signature of person originally identified

Name

(Please print in block letters)

LUCAS MARSHALL

EH.126 07.10.22561



Trading Standards Department  
Southampton City Council  
Civic Centre  
Southampton  
Hampshire  
SO14 7LY

Lab ref: 170427  
Client Ref: 012157  
Date: 12/09/2011  
**Opinion Satisfactory**  
Reported by Shayne Dyer

## REPORT OF ANALYSIS

Labelled as: **VODKA**

Location: **CK's News and Food**  
Sampled by: **Lucas Marshall**  
Date taken: **02/08/2011**  
Date submitted: **05/08/2011**

**Observations:**

With respect to the analysis the sample is satisfactory. The bottle bore a duty stamp which fluoresced under UV light.  
The sugar profile is consistent with genuine Smirnoff Blueberry Vodka.

Determination	Result	Method
Alcohol % v/v	37.7	05.109
Glucose mg/l	< 2.0	75.005
Sucrose mg/l	< 2.0	75.005
Fructose %	1.1	75.005
* Date code/batch mark	4210420	
* Appearance	Satisfactory	
* Tag Number	03714207	90.434

Shayne Dyer  
Technical Manager and Public Analyst



Lab ref: 170427

Opinions and interpretations expressed herein are professional observations and are outside the scope of UKAS Accreditation.

Tests marked "\*" in this report are not UKAS accredited and are not included in the UKAS Accreditation Schedule for our laboratory.

Unless you request otherwise the above sample will be disposed of 28 days from the date of this report.





Trading Standards Service

Incident reference

11/01261/KOODST

Exhibit reference

GM/12

Description of article

CERT. OF ANALYSIS  
SAMPLE No: 012157

S

ng

Name of person originally identifying (block letters)

LYCAS MARSHALL

EH.126 07.10.22561



### FOOD SAFETY ACT 1990

CERTIFICATE OF ANALYSIS OR EXAMINATION CARRIED OUT UNDER FOOD SAFETY  
(SAMPLING AND QUALIFICATIONS) REGULATIONS 1990

To: L Marshall                      Southampton City Council, Civic Centre,  
   Southampton, Hampshire, SO14 7LY

I, the undersigned, Public Analyst for Southampton City Council, certify that on 05/08/2011 the sample marked:

<u>Date sample taken</u>	<u>Reference number, description etc.</u>	<u>Weight/measure</u>
02/08/2011	012158	700ml
1420	ZUBROWKA VODKA	

Place of Sampling:              CK's 92 St Marys Road, Soton

was received by me from you (the person named above)

I certify that the sample was analysed by me or under my direction and the results are as follows:-

Alcohol % v/v                              :              40.2

My opinion and observations are:-

H M Revenue and Customs requires all bottles of spirits with a strength of 30% alcohol by volume or more, of a capacity of 35cl or more, to bear a duty stamp if they are removed to home use in the UK.

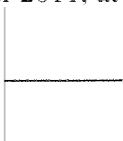
The bottle had a capacity of 700ml (70cl). The trade label did not bear a duty stamp.

The alcohol content found by analysis agrees with the declared alcoholic strength on the trade label.

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certified by me this 9th day of September 2011, at Southsea

Signature:

A simple handwritten signature consisting of a vertical line on the left and a horizontal line extending to the right.

Name:

PUBLIC ANALYST

Official address/Telephone No: As Letterhead

Unless you request otherwise this specimen will be disposed of 28 days from the date of this report.

9 September 2011

Lab ref: 170428



**Trading Standards Service**

Incident reference

*N/01261/FOODST*

Exhibit reference

*LM/13*

Description of article

*CERT. OF ANALYSIS  
SAMPLE NO: 012158*

Signa

Name of person originally identifying (block letters)

*LUCAJ MARSHALL*

EH.126 07.10.22561

Exhibit LM/14

ID Ref.	Product	Total Quantity (no. bottles)	Sample id. (one bottle taken from total)	Alleged Offences*
LM/1	Wyborowa vodka	2	012152	DSR CPR LA
	Bols vodka	1		DSR CPR LA
	Drop vodka	1	012153	DSR CPR FSA LA
	Zubrowka vodka	1		DSR CPR LA
	Beefeater gin	1	012154	DSR CPR LA
	Smirnoff vodka red	1	012155	
LM/2	Absolwent vodka	4	012156	DSR CPR LA
	Smirnoff vodka blue berry	1	012157	-
	Soplica vodka (dark)	3		DSR CPR LA
LM/3	Soplica vodka (clear)	3		DSR CPR LA
	Sobieski vodka	3		DSR CPR LA
	Wyborowa	1		DSR CPR LA
LM/4	Wodka Zoladkowa Gorzka Orange	4		DSR CPR LA
	Wodka Zoladkowa Gorzka Green	4		DSR CPR LA
LM/5	Zubrowka Vodka	2	012158	DSR CPR LA
	Luksusowa vodka	2		DSR CPR LA
	Czysta vodka	2		DSR CPR LA
	Luksusowa	1		DSR CPR LA

\*DSR: Duty Stamps Regulations 2006

CPR: Consumer Protection from Unfair Trading Regulations 2008, Regulation 8

FSA: Food Safety Act 1990, Sections 14 and 15

LA: Licensing Act 2003, Section 144



**Trading Standards Service**

Incident reference

11/01261/FOODST

Exhibit reference

LM114

Description of article

TABLE RELATING TO  
PRODUCTS SEIZED AND  
SAMPLED.

Sig

3

Name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 07.10.22561



CONFIDENTIAL

13

### WITNESS STATEMENT

MG11  
Page 1 of 4

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of: Jonathan Harris

URN: | | |

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Officer

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.

Signature: \_\_\_\_\_

Date: 21/09/2011

Name: Jonathan Harris

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

I am PC 24288 HARRIS, employed by Hampshire Constabulary and currently stationed at Southampton central police station in the role Violent Crime Reduction and Licensing Officer. I am writing this statement in relation to my attendance to CK's off licence, 92 St Marys Road, Southampton on 2<sup>nd</sup> August 2011.

The Police Licensing Unit was contacted prior to the visit by Trading Standards Officer Lucas MARSHALL. He asked for police to assist him in attending the venue, as he said the owners had become aggressive during a previous meeting. MARSHALL advised that the premise had recently sold illegal alcohol and believed more was on the premise.

At 14:15 hours, on 2<sup>nd</sup> August 2011, I attended CK's with MARSHALL and Fair Trading Officer Claire HILL. There was only one member of staff present initially when the search was commenced by MARSHALL and HILL. This male identified himself as Hardev Singh RATHOR, 10/05/81 and said it was his brother Harvinder Singh RATHOR that was the designated premise supervisor (DPS) for the venue.

Signature: \_\_\_\_\_

... Signature witnessed by: .....



### WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

As the search was taking place, a number of bottles were found on the shelves by MARSHALL and HILL which had no UK DUTY paid markings on them. During this time, I was aware that RATHOR had been on his mobile and was advising whoever he was speaking to of our presence. Approximately, within the next 5 minutes, 2 other males arrived. One of these was the licensee who I can identify as Raghbir Singh RATHOR, 24/10/58. The other male did not say who he was and I had not seen him before.

Raghbir RATHOR initially spoke with MARSHALL who explained why he was there. RATHOR became angry and said this was the third visit by Trading Standards to his families premises. He started to suggest that MARSHALL was picking on them and that someone had "grassed us up". He said that he would start to do the same if other people did it. His son Hardev then asked me for my contact details as he said he had information to pass on concerning the sell of illegal alcohol.

Whilst I was speaking with Hardev, I was aware that Raghbir was increasingly becoming louder and more argumentative, despite MARSHALL's best attempts to explain his attendance today. Raghbir then asked why a police officer was present. I explained it was for this exact behaviour that MARSHALL had requested police attendance. He responded by saying something similar to "WHAT DO YOU EXPECT. THIS IS THE THIRD TIME THEY HAVE BEEN TO US". I said something similar to "WELL, IF YOU HAVE BEEN SELLING ILLEGAL ALCOHOL, THEN YOU WILL BE VISITED". I then said that MARSHALL had a job to do and asked that they let him get on with it. I did hear Raghbir ask for MARSHALL's name and when he answered MARSHALL, Raghbir winked to the male that was with him and said "THAT'S FITTING ISNT IT". Raghbir and the other male then went outside.

Signature:



2006/07(1)

.... Signature witnessed by: .....







### WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

A customer came in during the search and as I was stood near the counter, Hardev made some mumbled comment to me about being in the way. He said something similar to "I HAVE CUSTOMERS TO SERVE". I stepped back away and was next to a fridge. I paid attention to the liquor inside, which were mainly bottles of what I believe to have been Polish vodka. I then started to take out the bottles to check if they were marked with UK DUTY PAID. None of the Polish vodka was marked and I subsequently passed all the bottles to MARSHALL who bagged and exhibited them all. It was at this point Hardev made the comment to me of "YOUR IN THE WRONG JOB ARENT YOU. YOU SHOULD WORK FOR THEM. WELL YOU LOT WILL BE OUT OF JOBS SOON ANYWAY WONT YOU". I quickly responded by saying that his behaviour and his fathers was not going to help them. I advised I was the licensing officer for the area and if this matter ended up at a review, I would have no hesitation in highlighting the aggressive and intimidating behaviour of both males. Neither Raghbir nor Hardev showed any support in promoting the licensing objectives and I have severe concerns over their suitability to work in the alcohol trade.

Signature:

..... Signature witnessed by: .....



# HAMPSHIRE CONSTABULARY

## RESTRICTED – For Police and Prosecution Only

### WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of : Natasha Astrid PRIOR

URN //

Age if under 18:	Over 18	(if over 18 insert 'over 18')	Occupation:	Police Constable 20920
------------------	---------	-------------------------------	-------------	------------------------

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: \_\_\_\_\_ Date: 31/08/2011

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

I am PC 20920 PRIOR currently serving for Hampshire Constabulary at Southampton Central Police Station on the Violent Crime Reduction and Licensing Unit.

On the 20<sup>th</sup> August 2011 from 1800 hours I conducted a test purchase operation with a 17 year old female test purchaser whose date of birth is 15<sup>th</sup> May 1994. The operation was targeting premises which we have received information about selling to underage persons or who have a history of failed test purchases.

Section 149 and 152 of the Licensing Act 2003 allows for the test purchaser to buy alcohol without committing an offence and for us to direct them to buy alcohol without an offence being committed.

The operation involved two plain clothes officers PC 25375 Miller and PC 23782 Atkinson, their role in the operation was to monitor the test purchaser at all times and give evidence in relation to any offences committed. The other officer involved was SO 9398 Charnley who was in full uniform with me to enter the store if offences are committed to deal with the suspects and if on site speak to the designated premise supervisor.

At around 1945 hours I directed PC Atkinson into CK's on Commercial Road and then once she was in the premises I directed the 17 year old test purchaser in to attempt to buy alcohol. PC Miller then followed the

Signed : **Natasha**

Signature witnessed by : \_\_\_\_\_





# HAMPSHIRE CONSTABULARY

**RESTRICTED – For Police and Prosecution Only**

## **WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of : Natasha Astrid PRIOR

URN //

test purchaser up the road and waited nearby to ensure the safety of the test purchaser. Shortly after entering the premises the test purchaser exited and handed the alcohol purchased to PC Miller. I approached them as they headed back towards the car and PC Miller showed me the contents of the bag, since exhibited as JDM/CKS/01, which was a bottle of cookies and cream sidekick which is an alcoholic beverage. SO Charnley and I approached the premises and met PC Atkinson by the door and I asked her who had sold the alcohol and she described a male who later gave his details to me as Harvinder Singh (19/09/86). I entered the premise and explained to Mr Singh that he had failed a test purchase by selling alcohol to a 17 year old. I started to caution him and before I had finished the caution he started to tell me that he had sold the alcohol to the customer without paying attention to her because the other person in the shop, who he now understood to be a plain clothes officer, looked like she was about to steal alcohol. It was a number of minutes of him explaining how it was not right to send someone in distracting him and that we should just use covert cameras to prove the offence. Once he had finished I finished the caution and asked him for ID which he did not have but gave me his name, date of birth and address and he informed me that he was the owner of the shop. I asked if he had received a penalty notice before and he stated that he had about 3 years ago but had not done anything since. He then continued that he had witnesses and he wanted to go to court. There was his brother in law and another male in the shop when we entered. When he had finished talking I reported him for the offence of selling alcohol to a person under the age of 18 years old and cautioned him again. I asked if there was anything else he wanted to add to which he repeated some of what he had said already and added "yeah I appreciate that the fact of the matter is I made a mistake and I sold it"

Signed : **Natasha**

Signature witnessed by : \_\_\_\_\_





**RESTRICTED (when complete)**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of: PC ELEANOR ATKINSON URN: | | |  
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police service

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

Signature: \_\_\_\_\_ Date: 20/08/2011

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

I am PC 23782 ATKINSON of Hampshire Constabulary based at Southampton Central Police Station. On 20<sup>th</sup> August 2011 I was on duty in plain clothes as part of a Test Purchase operation. At around 1950hrs, I went into CK's store at 92 ST MARYS ROAD in Southampton. My role was to browse within the store until the Test Purchaser came in and attempted to make a purchase. I was then there to observe the transaction between store staff and the Test Purchaser.

Shortly after I had entered the store, the Test Purchaser came in and selected a bottle of Cookies and Cream Sidekick from a shelf. From looking at the bottle, this is an alcoholic drink containing vodka. The Test Purchaser then took this to the counter. The male serving behind the counter asked 'ANYTHING ELSE FOR YOU TODAY LOVE?' to which the Test Purchaser replied 'NO THANKS.' The male behind the counter then took the Test Purchaser's money and the Test Purchaser left the store with the alcohol. At no point was she asked for ID or asked about her age.

I left the store shortly after the Test Purchaser. I would describe the male behind the counter who served the Test Purchaser as an Asian male, large build with long black hair wearing a red hooded top with big white writing on the front. The shop is a small shop and when the transaction was made I was no more than two metres away from the Test Purchaser. I was clearly able to hear what was said.

Signed : PC ELEANOR ATKINSON Signature witnessed by : \_\_\_\_\_



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of: PC JERMAINE MILLER URN: | | |  
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police service

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: 20/08/2011  
PC JERMAINE MILLER

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

I am PC 25375 MILLER of HAMPSHIRE CONSTABULARY currently stationed at BITTERNE POLICE STATION. This is my statement in relation to a TEST PURCHASING OPERATION that was conducted on the 20<sup>th</sup> AUGUST 2011 at various off licenses.

In this statement I will refer to the test purchaser as TEST PURCHASER.

At 1945hrs I was in plain clothes operation as part of this operation and was waiting outside CK'S STORE in ST MARYS ROAD. I witnessed TEST PURCHASE leave the CK'S STORE with a 50cl bottle of SIDEKICK, COOKIES AND CREAM FLAVOUR in a blue bag which they had purchased from the store.

I took control of this alcohol and seized it for police evidence in relation to this operation and offence of selling alcohol to a person underage.

I can produce this alcohol as an exhibit under ID REFERENCE NUMBER JDM/CKS/01.

This exhibit will be booked into SOUTHAMPTON CENTRAL PROPERTY STORE.

Signed : \_\_\_\_\_ Signature witnessed by : \_\_\_\_\_  
PC JERMAINE MILLER



17

**RESTRICTED (when complete)**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of: SO ANDREW CHARNLEY

URN: | | |

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police service

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

Signature:

Date: 20/08/2011

SO ANDREW CHARNLEY

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

I am special constable 9398 CHARNLEY currently based at Southampton Central police station. On 20th August 2011 I was on duty in full uniform on a licensing test purchase operation. I was in company with 20920 PRIOR. A test purchase had just been made at CK's FOOD & WINE, ST. MARYS ROAD, SOUTHAMPTON, SO14 0AH by a test purchaser aged 17. They had just exited the store in company with two other police officers who were in plain clothes. At about 19:48hrs I entered the shop and due to the information we had received from the other officers, PC PRIOR and I spoke to the male in the shop who had sold the alcohol. PC PRIOR explained to him what had happened and reported him for the offence of SALE OF ALCOHOL ANYWHERE TO A PERSON UNDER 18. The male was saying that he sold the alcohol to the test purchaser who was under age as he was distracted by someone else in the store. He was speaking in quite a loud voice and seemed angry that he was getting prosecuted, he was agitated and was speaking in a calm voice. I had activated the Body Worn Video camera before entering the shop (I exhibit this video as AC/HS/01 which I burnt onto a DVD) which will show his behaviour. PC PRIOR asked if he had received a fixed penalty notice £80 fine in the past and he said that he had. The male who I now know to be HARVINDER(GEORGE) SINGH DOB: 19/09/1986 PNC: 07/39040Q was reported for summons. PC PRIOR took his details in her pocket note book and then at 19:52hrs reported him for the offence and cautioned him. After this I had no further dealings with the matter.

Signed :

SO ANDREW CHARNLEY

Signature witnessed by :



# 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**

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

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>

### Police Details

**Hampshire Constabulary is a responsible authority.**

<b>Name and address:</b> 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 (Raghbir 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





**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 FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

### Recommendation of Police Sergeant

### Signature of Police Sergeant

Signature:

Date:

.....  
.....

### Decision of Police Licensing Inspector

### Signature of Police Licensing Inspector

Signature:

Date:

.....  
.....

### 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.



**HAMPSHIRE CONSTABULARY**

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

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:

.....  
.....

**LEGAL & DEMOCRATIC SERVICES**  
**RICHARD IVORY Solicitor,**  
**Head of Legal and Democratic Services**

Southampton City Council  
Southbrook Rise,  
4-8 Millbrook Road East  
Southampton SO15 1YG

Direct dial: 023 8083 3002  
Our ref: 2011/01764/01SPRN

Please address all correspondence to:  
**Licensing – Southampton City Council,**  
**PO Box 1344, Southampton SO15 1WQ**



E-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)  
Please ask for: Licensing

Licensing Unit,  
Hampshire Constabulary  
Southampton Central Police Station  
Southern Road  
Southampton  
Hampshire  
SO15 1AN

*Rec 28-09-11*  
*PAO Julie Lindley*

26th September 2011

Dear Sir,

***Application for a Premises Licence***  
***RR Food And Wine, 300 Shirley Road Southampton Hampshire SO15 3HL***

I refer to the hearing of the above application before the City Council's Licensing (Act 2003) Sub-Committee on 22<sup>nd</sup> September 2011 and write to inform you of the Sub-Committee's decision. Accordingly, I enclose a copy of the decision as read at hearing. Minutes of the hearing will be published on the Council's website in due course.

The Licensing Act 2003 provides that both the applicant and any party who made a relevant representation have a right of appeal against the decision of the licensing authority. An appeal must be commenced by giving notice of appeal to the Magistrates' Court within the period of 21 days beginning with the day on which you were notified by this authority of the decision to be appealed against. Any party considering such a course of action should seek professional legal advice, since an appellant may be liable for the costs of the other parties should the appeal fail.

Yours faithfully,

for Head of Legal & Democratic Services

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

Switchboard: 023 8022 3855,

DX: 115710 SOUTHAMPTON 17

[www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing)

**LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE**  
**DECISION OF THE MEETING HELD ON 22<sup>ND</sup> SEPTEMBER 2011**  
**RR FOOD AND WINE, 300 SHIRLEY ROAD, SO15 3HL**

The Sub-Committee has considered very carefully the application for a premises licence at RR Food and Wine. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human rights legislation has been borne in mind whilst making the decision.

The Sub-Committee heard both written and oral representations from Trading Standards, the Police and the applicant. The Sub-Committee noted that a number of offences were alleged at premises that the applicants were involved with, some of which were accepted and none of which were denied. It was noted that the latest two incidents occurred relatively recently and after this application was submitted.

Having considered all of the above, the Sub-Committee has decided to refuse the application for a premises licence.

**REASONS**

The Sub-Committee was not satisfied that the applicants would be capable of running the premises in accordance with the Licensing Objectives, in particular the protection of children from harm and public safety. This was based on the nature of the alleged offences which have already occurred.

The Sub-Committee considered whether its concerns could be addressed by the imposition of conditions, but on this occasion felt that they could not.

There is a right of appeal to the Magistrates' Court. All parties will receive written confirmation of the decision and reasons.

# 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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> R & J Beers, Wines & Spirits, 300 Shirley Road, Southampton, SO15 3HL	
<b>Post town</b> Southampton	<b>Post code (if known)</b> SO15 3HL

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Gurmail Singh Rathor
---

<b>Number of premises licence or club premises certificate (if known)</b> 2009/00696/01SPRN
--

#### Part 2 - Applicant details

I am

- |   |                          |
|---|--------------------------|
| 1) an interested party (please complete (A) or (B) below)             | <b>Please tick yes</b>   |
| a) a person living in the vicinity of the premises                    | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises      | <input type="checkbox"/> |

- 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
Telephone number (if any) 02380 834930
E-mail address (optional)

**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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<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 21<sup>st</sup> 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 21<sup>st</sup> 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 20<sup>th</sup> October 2010, but failed to attend our office for the interview. On 22<sup>nd</sup> 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 Tesco's, 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 18<sup>th</sup> 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	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**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 WITNESS STATEMENT

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2010 (Rule 27))

STATEMENT OF: **Lucas Marshall**

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 *13* day of *December* 2010

Signature: .....

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

~~Dated the ..... day of .....~~

~~Signature: .....~~

A My name is Lucas Marshall. I am employed as a Trading Standards Officer by Southampton City Council. On 21 July 2010 I conducted an inspection at R & J, 300 Shirley Road, Southampton. During the inspection I examined 70cl bottles of Glen's brand vodka. It was

B priced at £9.89 per bottle. From the markings on the bottles 7 bottles of Glen's vodka appeared to be counterfeit. I took one as a food sample, reference 012074 which I subsequently submitted to the public analyst, and took the remaining 6 bottles, which were identically labelled,

C as sample 012073. I produce as Exhibit LM/1 a Certificate of Analysis confirming that the spirit sample 012074 was not genuine Glen's Vodka. On 1 November 2010 I interviewed Gurmail Singh Rathor, the Premises Licence Holder and owner of the business, in accordance with the

D Police and Criminal Evidence Act 1984 and associated Codes of Practice. The interview was conducted in the interview room at Trading Standards Service, 7 Civic Centre Rd, Southampton

I produce a copy of the CD as Exhibit LM/2.

E Signature: ...

ST1(1)HQ



INVESTOR IN PEOPLE

STATEMENT OF: **LUCAS MARSHALL**

HOME ADDRESS:

BUSINESS ADDRESS: **Trading Standards Service, Southampton City Council, 7 Civic Centre Road, Southampton SO14 7FJ**

DATE OF BIRTH: **5 May 1970**

OCCUPATION: **Trading Standards Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO: **023 8083 4930**

**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
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

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
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
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.

Dated the .....day of ..... 2010 Signed .....



RECEIVED 1 OCT 2010

### FOOD SAFETY ACT 1990

#### CERTIFICATE OF ANALYSIS OR EXAMINATION CARRIED OUT UNDER FOOD SAFETY (SAMPLING AND QUALIFICATIONS) REGULATIONS 1990

To: L Marshall  
Southampton City Council, Civic Centre,  
Southampton, Hampshire, SO14 7LY

I, the undersigned, Public Analyst for Southampton City Council, certify that on 26/07/2010 the sample marked:

<u>Date sample taken</u>	<u>Reference number, description etc.</u>	<u>Weight/measure</u>
21/07/2010	012074	705ml
1410	1 X GLENS VODKA 70CL	

Place of Sampling: R&J, 300 SHIRLEY ROAD, SOTON

was received by me from you (the person named above)

I certify that the sample was analysed by me or under my direction and the results are as follows:-

Alcohol % v/v : 35.8

My opinion and observations are:-

The declared alcoholic strength was 37.5 % volume.

The uncertainty of measurement is 0.4% alcohol by volume.

The difference between the amount of alcohol found and the amount declared taking into account the uncertainty of measurement was 1.3% by volume. This difference is outside the permitted tolerance of 0.3% alcohol by volume prescribed in The Food Labelling Regulations 1996 for vodka.

The sample had an alcohol content of 1.0% volume less than the minimum permitted.

24 September 2010

Lab ref: 161381



Genuine Glen's vodka is only bottled in bottles supplied by Allied Glass Containers (AGC). These bottles have a small AGC logo on the base of the bottle with '58mm C12173' embossed in the glass, about 5mm from the base.

No such logo or embossing was present on the bottle.

The UK duty stamp on genuine Glen's brand vodka fluoresces at a wavelength of 365nm.

The UK duty stamp on the bottle did not fluoresce.

In my opinion the sample is not genuine Glen's brand vodka

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certified by me this 24th day of September 2010, at Southsea

Signature: \_\_\_\_\_

Name: SHAYNE DYER  
PUBLIC ANALYST

Official address/Telephone No: As Letterhead

Unless you request otherwise this specimen will be disposed of 28 days from the date of this report.

24 September 2010  
Lab ref: 161381

### STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r 27.1(1);  
Criminal Justice Act 1967, s.9; Magistrates' Court Act 1980, s.5B)

**Statement of:** Thomas Keith Taylor  
**Age if Witness:** Over 18  
**Occupation:** Quality Manager

**This statement consisting of two pages 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 16<sup>th</sup> Day of November 2010**

**Signature:** ..... | .....

I am Thomas Keith Taylor and I have been employed by Glen Catrine Bonded Warehouse Ltd, 7 Laigh Road, Catrine, Ayrshire, KA5 6SQ as Quality Manager for Eighteen years. In this capacity, I am familiar with the design, appearance, composition and quality of all genuine Glen Catrine products and I am authorised to speak on behalf of the company in relation to such matters. I can confirm that Glen's Vodka is a vodka brand for which Glen Catrine Bonded Warehouse Ltd owns the Trade Mark Number E3231107 and the brand was introduced in April 2003. I produce a copy of the Trademark Certificate and identify it as TKT/1. No other person, other than an agent authorised by our company, has permission to manufacture, produce or distribute any items bearing our trademark. On 27<sup>th</sup> September 2010, I received an E-mail from Lucas Marshall of Southampton Trading Standards Department informing me of a seizure that had been made by his department of seven 70cl bottles that were labelled Glen's Vodka and were suspected of being counterfeit. The seizure was from the premises R & J, 300 Shirley Road, Southampton, SO15 3HL. From the information provided in the E-mail, I came to the conclusion that the bottles were counterfeit. My reasons for determining that these were not genuine bottles of Glen's Vodka were as follows:- Previously, for genuine Glen's Vodka 70cl, our company only used a bottle supplied by Allied Glass Containers which can be identified by a small AGC logo on the base of the bottle. The following information was also embossed in the glass around 5mm from the base - 70cl 58mm ÷ G1 2173. Since October 2009, our company has only used a

**Signature:** ..... | .....

**Statement of Thomas Keith Taylor – Continued**

bespoke bottle supplied by Allied Glass Containers which has the AGC logo, 2589, and G.C.B.W. embossed in the base. The E-mail from Lucas Marshall stated that the bottles used for the counterfeit product had the following information embossed in the glass – 700ml 66mm Q1: 1445 C. Our company does not, and has never used this bottle for Glen’s Vodka. There were no visible lot codes on the counterfeit bottles. On genuine bottles, a lot code is etched into the glass or printed by ink-jet on the bottle to allow traceability of where and when the bottle was filled. I can confirm that R & J, 300 Shirley Road, Southampton, SO15 3HL is not authorised in any way by our company to sell or offer for sale goods which bear the Glen’s Vodka trade mark other than as displayed on genuine Glen’s Vodka product. Counterfeiting is extremely detrimental to the brand image of our company’s product and also to the consumer who has no guarantees of the quality or safety of the product they have purchased.

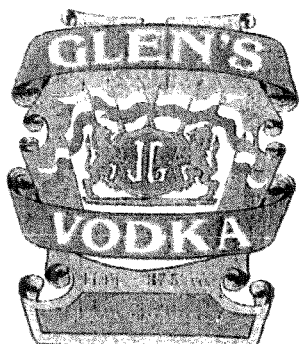
**Signature:** .....

TKT/1  
(25)

## Case details for Community Trade Mark E3231107

[Explanation of terms used on this page](#)

### Mark



Mark text: GLEN'S VODKA

### Status

UK case status: Registered  
 Original language: English  
 Second language: French  
 Class: 33

### Relevant dates

Filing date: 18 June 2003  
 Publication date: 17 January 2005  
 Registration date: 07 December 2004

### Priority claims

Priority date: 18 December 2002  
 Country: United Kingdom  
 Reference: 2319225

### List of goods or services

Class 33: Alcoholic beverages, vodka, gin, white and dark rum.

### Names and addresses

Applicant: Glen Catrine Bonded Warehouse Limited  
 7 Laigh Road, Catrine, Ayrshire, United Kingdom, KA5 6SQ  
 Representative: MURGHITROYD & COMPANY  
 Scotland House 165-169 Scotland Street, Glasgow, United Kingdom, G5 8PL

### Earlier rights notification

Not opted in

[Explanation of terms used on this page](#)

The "E" prefix is used purely within the UK and is not part of the Community Trade Mark Number.

This enquiry shows Community Trade Mark information held by us. If you want to see details of the definitive Community Trade Mark, please visit the [Office for Harmonization in the Internal Market](#).



© Crown Copyright 2009

Intellectual Property Office is an operating name of the Patent Office

25

### WITNESS STATEMENT

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

Statement of: PC 24191 WOOD URN  
Age if under 18: O18 (if over 18 insert 'over 18') Occupation: Police Constable

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: 24191 (witness) Date: 22/10/11

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

I am PC 24191 Bethan WOOD of Hampshire Constabulary, currently stationed at Southampton Central police station, attached to the Violent Crime & Licensing Team.

The role of a Licensing Officer requires reviews to be carried out of Licensed Premises when they are not being run in accordance with the Licensing Objectives. This statement is in relation to the review of CK's Food, Wine & Spirits. The premises address is 92 St MARY'S ROAD, SOUTHAMPTON.

As part of the work undertaken in compiling evidence to support the review I have researched occurrences in St MARYS ROAD. These are incidents which have a direct link to the road, the details of which are held within Hampshire Constabulary's record management system.

I can confirm that in the period from April 2011 until October 2011 there have been in excess of 225 occurrences in St MARYS ROAD alone. These occurrences include:

- 70 Violence/Public Order incidents (including Robberies)
- 17 Drugs related occurrences
- 54 Anti-Social behaviour incidents
- 31 Acquisitive crime incidents
- 11 Criminal Damage incidents

Signature

24191 Signature witnessed by: .....

Not Disclosable

**Witness contact details**

Home Address: Work Telephone No:  
Home Telephone No: Email address:  
Mobile / Pager No:  
Preferred means of contact (specify details):  
Best time of contact (specify details):

Gender: Date and Place of Birth: Religion / Belief:  
Former name: Ethnicity Code:

**DATES OF WITNESS NON-AVAILABILITY:**

**Witness Care**

- a) Is the witness willing and likely to attend court? Yes  No   
If 'No', include reason(s) on form MG6.
- b) What can be done to ensure attendance? Yes  No
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit MG2 with file. Yes  No
- d) Does the witness have any particular needs? Yes  No   
If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet 'Giving a witness statement to the police - what happens next?' Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter Yes  No  N/A   
(obtained in accordance with local practice):
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable e.g. child care proceedings, CICA: Yes  No  N/A
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: \_\_\_\_\_ PRINT NAME  
Signature of parent/guardian/ appropriate adult: \_\_\_\_\_ PRINT NAME  
Address and telephone number if different from above: \_\_\_\_\_

Statement taken by: \_\_\_\_\_ Station: \_\_\_\_\_  
Time and place statement taken: \_\_\_\_\_

29/09/11 23:35

POLICE PRINT OF HISTORICAL ARREST/DISPOSAL INFORMATION

CRO NUMBER :  
FILENAME : RATHOR, HARVINDER  
BIRTH DATE : 19/09/86

PNCID : 06/393145X

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

NON-CONVICTIONS - FULL DETAILS

1 A/S REF : 07/0000/00/1437726M  
FCE/STN CODE : 44SP  
FP STATUS (1) : NOT TAKEN  
DNA-STATUS : NOT TAKEN  
OFFICER IN CASE: SULLIVAN/PC/2193/SH  
A/S NAME : RATHOR, HARVINDER  
A/S DOB : 19/09/86  
REPORTED ON 15/11/07

SALE OF ALCOHOL TO PERSON UNDER 18  
METHOD :  
DEFENDANT SOLD ALCOHOL TO PERSON UNDER 18 YEARS OF AGE  
OFFENCE ORIGINATOR : 44SP  
OFFENCE DATE(S) / TIME(S) : 15/11/07 18:00  
OFFENCE ADDRESS : CK'S 92 ST MARYS ROAD  
SOUTHAMPTON HAMPSHIRE (44SC)  
P/CODE : SO14 OAH  
CRIME/OFF REF : 44SC/A/40042545  
COMMITTED ON BAIL : NO

OTHERS PROCESSED WITH  
1 PNCID : 07/1695072A

CHECKNAME : BEGUM

COURT REF : 07/9999/717885R  
PROSECUTION AGENT: HAMPSHIRE CONSTABULARY/TRADING STANDARDS  
1 COURT : PENALTY NOTICE  
DATE : 15/11/07  
PLEA : NOT KNOWN  
ADJUDICATION : NO ADJUDICATION  
DISPOSAL : PENALTY NOTICE A/40042545

2 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

**REVIEWS ARISING IN CONNECTION WITH CRIME**

11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority

to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the



licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police 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. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

## **REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review: The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.

## McGuinness, Ian

---

**From:** Marshall, Lucas  
**Sent:** 31 October 2011 11:49  
**To:** Licensing  
**Subject:** CK's Food & Wine - Trading Standards representation regarding Licence Review Application

Dear Sir/Madam

I am in receipt of a copy of the Licence Review Application relating to CK's Food, Wine & Spirits, 92 St Marys Rd, Licence no. 2007/00746/01SPRN.

Southampton City Council Trading Standards Service wishes to make a representation in support of Hampshire Constabulary's application, on the grounds of prevention of crime and public safety. On 13<sup>th</sup> July 2011 an Officer made a test purchase of Sobieski Vodka at CK's. On 2<sup>nd</sup> August 2011 spirits, namely Wyborowa, Bols, Zubrowka, Beefeater, Absolwent, Soplca, Sobieski, Zoladkowa Gorzka, Luksusowa, Drop and Czysta brands, were seized from the premises by Southampton Trading Standards. The spirits were either not marked with a UK duty stamp as required under the Duty Stamps Regulations 2006, or were marked with counterfeit duty stamps, indicating that UK duty had not been paid on the items. It is an offence under Section 144 of the Licensing Act 2003, for keeping on the premises goods which have been imported without payment of duty or which have otherwise been unlawfully imported, and Regulation 8 of the Consumer Protection from Unfair Trading Regulations 2008, for stating or otherwise creating the impression that a product can legally be sold when it cannot. Statements from Officers of Southampton Trading Standards Service regarding these matters have been provided to the applicant in support of their application.

Yours faithfully

Lucas Marshall

Lucas Marshall  
Trading Standards Officer  
Environmental Health and Consumer Protection Division  
**Southampton City Council**  
Tel 023 8083 4930

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