

Reference: 2011/02798/01SRAP

Hearing:

5th January 2012

### Application for Review of Premises Licence

Premises Name: Pound Xtra  
 Premises Address: 106 St. Mary's Road  
 Southampton  
 SO14 0AN

Application Date: 16th November 2011  
 Application Received Date: 17th November 2011

Application Valid Date: 17th November 2011



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## ***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	
Planning & Sustainability - Building Control - Licensing	Yes	
Planning & Sustainability - Development Control - Licensing	Yes	
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

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

Southampton Central Police Station  
Southern Road  
Southampton  
Hampshire  
SO15 1AN

**Our ref:** 44100422079  
**Your ref:**

**Telephone:** 0845 045 45 45  
**Direct dial:** 023 8067 4768  
**Fax No:** 08453660037

**Deaf/speech impaired minicom:** 01962 875000  
**Email:** southampton.licensing@hampshire.pnn.police.uk

8<sup>th</sup> November 2011

Dear Sirs,

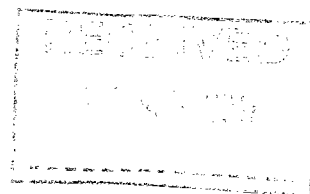
Hampshire Constabulary is applying for a review of the premises licence of Pound Xtra, 106 St Mary's Road, Southampton. You will find enclosed the application complete with the grounds of the review and evidence submitted.

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

Yours faithfully,

PC 24191 Bethan WOOD

Violent Crime & Licensing  
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:	Pound Xtra, 106 St Mary's Road, Southampton
Postcode <i>(if known)</i> :	SO14 0AN

Name of premises licence holder or club holding club premises certificate <i>(if known)</i> Sara WOLDEMICHAE
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Number of premises licence or club premises certificate <i>(if known)</i> 2011/01632/01SPRD
--

#### 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)**

*Select one or more boxes*

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

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

**POUND XTRA REVIEW**

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 the premises' failure to adhere to the conditions of the premises licence, and three test purchase failures at the premises since January 2010.

The current Premises Licence Holder is Sara WOLDEMICHAEL. Sara has been the holder of the licence throughout the timeframe cited within this application. Her husband, Aklilu ALEM took over the role of DPS in June 2011 and was employed at the store prior to this.

On 19th January 2010 Aklilu ALEM, whilst working at the premises, served alcohol to a 15 year old girl as part of a trading standards test purchase operation. ALEM's actions gave an early indication to his lack of support for the licensing objectives, in particular the protection of children from harm, and the prevention of crime and disorder. As a result of this ALEM received a simple caution in relation to the offence.

In November 2010 the premises was taken to review by trading standards in relation to the sale of counterfeit goods. The review application in this instance evidenced criminal activity at the premises in the form of sale of counterfeit alcohol and cigarettes. The application specifically mentioned a member of the public who had become ill having drunk a quantity of vodka purchased from the premises, and as a result reported this to trading standards. Counterfeit vodka is an increasing problem around the country. It is often produced from industrial alcohol which is imported to the UK. 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 a poisonous substance, and clearly a danger to public safety. As part of the review it was considered that the holder of the premises licence had not fulfilled their duty under the



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

③ Licensing Act 2003 to prevent crime and disorder and to protect public safety. On 6th January 2011 the Licensing Sub-Committee suspended the premises licence for a period of three months, noting that revocation, in this instance, had not been requested.

④ On 13th December 2010, whilst awaiting review hearing, the premises failed another test purchase operation. Avtar SINGH sold alcohol to a 16 year old and was issued with a fixed penalty notice for the offence. To have a further failure at the premises raises serious concerns for both police and trading standards. In his appraisal of the meeting following this failure PC HARRIS details how the premises licence holder advised that they would be operating a Challenge 25 policy and offer training to staff that would be refreshed every quarter. The premises were also offered police assistance with their training and passed PC HARRIS' details in order to arrange this, however, to date no assistance has been requested.

⑤ Trading Standards officer Lucas MARSHALL provides a statement in relation to a visit conducted at the premises on 1<sup>st</sup> September 2011. It clearly details how the DPS is in breach of a condition on the licence relating to retention of invoices and similar items. This condition was added to the licence following the review in January 2011, which focussed on the sale of counterfeit goods. Failure to adhere to this condition shows a lack of commitment to adhere to the licence conditions and, although on this occasion there was no issue with the composition of the items tested, raises concern that non duty paid goods are still being sold on the premises, and could be a danger to public safety.

⑩ On 3rd September 2011 the premises failed yet another test purchase operation. Once again, the now DPS, Aklilu ALEM, has made a sale to a female aged under 18. Despite the initial caution and the extra conditions added to the licence following review, the DPS continues to break the law, putting children in danger, breaching the conditions of the licence and failing to adhere to the licensing objectives.

⑫ In a visit to the premises by PC Wood & PS Marshman on 2nd November 2011 the DPS demonstrated little knowledge of the conditions attached to the premises licence following the review in January 2011, or of the licensing objectives. The licence conditions state that CCTV footage should be retained for 30 days, it was found that it was retained only as far back as 29th October – 4 days. Training records were found to be basic, and the most recent produced at the time of the visit were for the 1st April 2011, in breach of the six monthly refresher training condition. Given the previous Test Purchase failures this gives rise to serious concern as to the willingness of the DPS and Premises Licence Holder to support the licensing objectives of public safety and protection of children from harm. Further to this, the refusals log had not been signed off by either the premises licence holder or the DPS for the duration of its existence, the only evidence of it having been checked was an entry by a member of staff on the 4th May 2011 – again in breach of the licence conditions.

The same day, shortly after the meeting the DPS arrived at the Police Station armed with copies of the same basic training, this time just two copies (for his two staff members) dated 1st July 2011, no records of his own training, and advising that training was in fact conducted every three months. This being the case there would have been records dated around 1st October 2011 – there were none. The DPS also brought with him the refusals







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

Name	Inspector BATES	Collar Number:	5012
Signature:	_____	Date:	16/11/11
	-----		-----



**Schedule 12  
Part A  
Premises Licence**

Regulation 33,34

**Premises licence number** 2011/01632/01SPRD

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description,**

**Pound Xtra**  
106 St. Marys Road  
Southampton  
SO14 0AN

**Telephone number**

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

Supply by retail of alcohol

**The times the licence authorises the carrying out of licensable activities**

Supply by retail of alcohol

Monday	10:00 - 23:00
Tuesday	10:00 - 23:00
Wednesday	10:00 - 23:00
Thursday	10:00 - 23:00
Friday	10:00 - 23:00
Saturday	10:00 - 23:00
Sunday	10:00 - 23:00

**The opening hours of the premises**

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

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

Alcohol is supplied for consumption off the premises

**Part 2**

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

Sara Desta Woldemichael  
Flat 8  
117 Regents Park Road  
Shirley  
Southampton  
SO15 8AG

Business Phone Number

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

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

Akilu Alem

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

Licence Number: 2  
Licensing Authority

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

Dated this 22nd day of June 2011

Head of Legal & Democratic Services

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

## **Annex 1 – Mandatory Conditions**

- 1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 2 No supply of alcohol shall be made under the premises licence:
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor for the premises does not hold a personal licence or his personal licence is suspended.
- 3 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

## **Annex 2 – Conditions consistent with the operating Schedule**

- 1 None

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

- 1 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.

The Premises Licence Holder must keep complete records, such as invoices, receipts and delivery notes, relating to alcohol and cigarettes 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 from a vehicle details of the vehicle registration, the name of the delivery person and contact details including the name, address and telephone number for the business must be kept. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol and cigarettes present at his premises

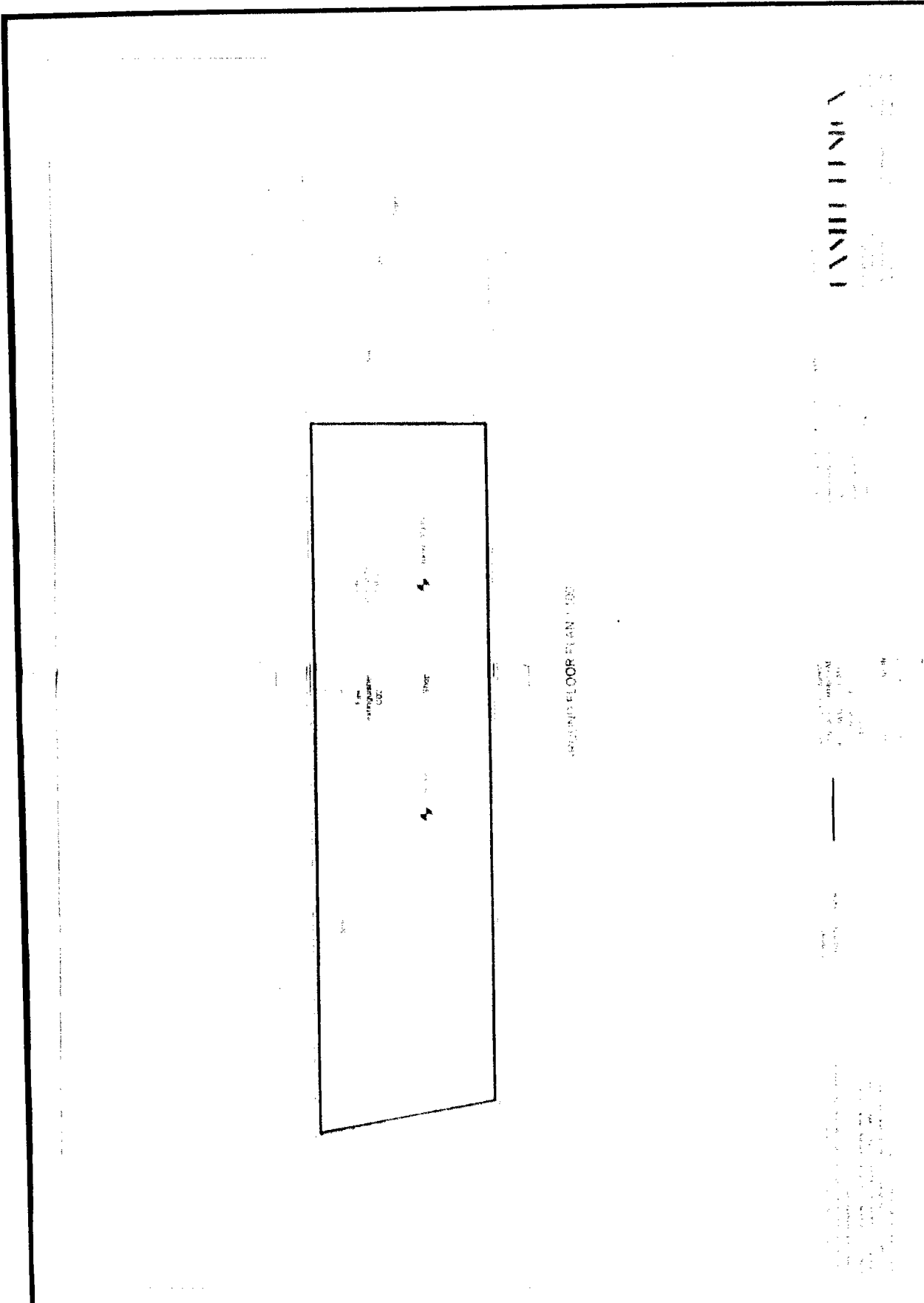
The holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the Licensing Authority proving that individual to be 18 years of age 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.

All staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18. Records will be kept of such training, which are signed and dated by the member of staff who has received the training. Staff shall receive refresher training every six months as a minimum and records, signed and dated by the member of staff, will be 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 relevant authorities on request.

Annex 4 - Plans



FLOOR PLAN

Plan not reproduced to scale.

Part A

# Caution

OUR CASE REFERENCE: 10/00107/UAS

CRW CASE REFERENCE:

OFFENDER'S SURNAME: Alem

FORNAMES: Aklilu

OCCUPATION: partner

HOME ADDRESS:

DATE OF BIRTH:

BUSINESS NAME: Pound Xtra

OFFICER: Lucas Marshall

DATE OF OFFENCE: 19<sup>th</sup> January 2010

PLACE OF OFFENCE: Pound Xtra, 106 St Marys Rd, Southampton, SO15 8AG

**BRIEF CIRCUMSTANCES OF OFFENCE:-**

Did, on 19<sup>th</sup> January 2010, at Pound Xtra, 106 St Marys Rd, Southampton, SO15 8AG, sell intoxicating liquor, namely a bottle of Smirnoff Ice, to a person under the age of 18 years, namely of the age of 15 years, contrary to S 146 of the Licensing Act 2003.

**LEGISLATION**

Licensing Act 2003.

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

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

**Declaration**

**I have read and understand all this information**



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

Name \_\_\_\_\_ Signed \_\_\_\_\_

**(Block Capitals)**

Dated this \_\_\_\_\_ day \_\_\_\_\_ 20

Name \_\_\_\_\_ Signed \_\_\_\_\_

**Authorised on behalf of Southampton City Council**

Dated this \_\_\_\_\_ day \_\_\_\_\_ 20



Reference: 2010/02212/01SRAP

Hearing:

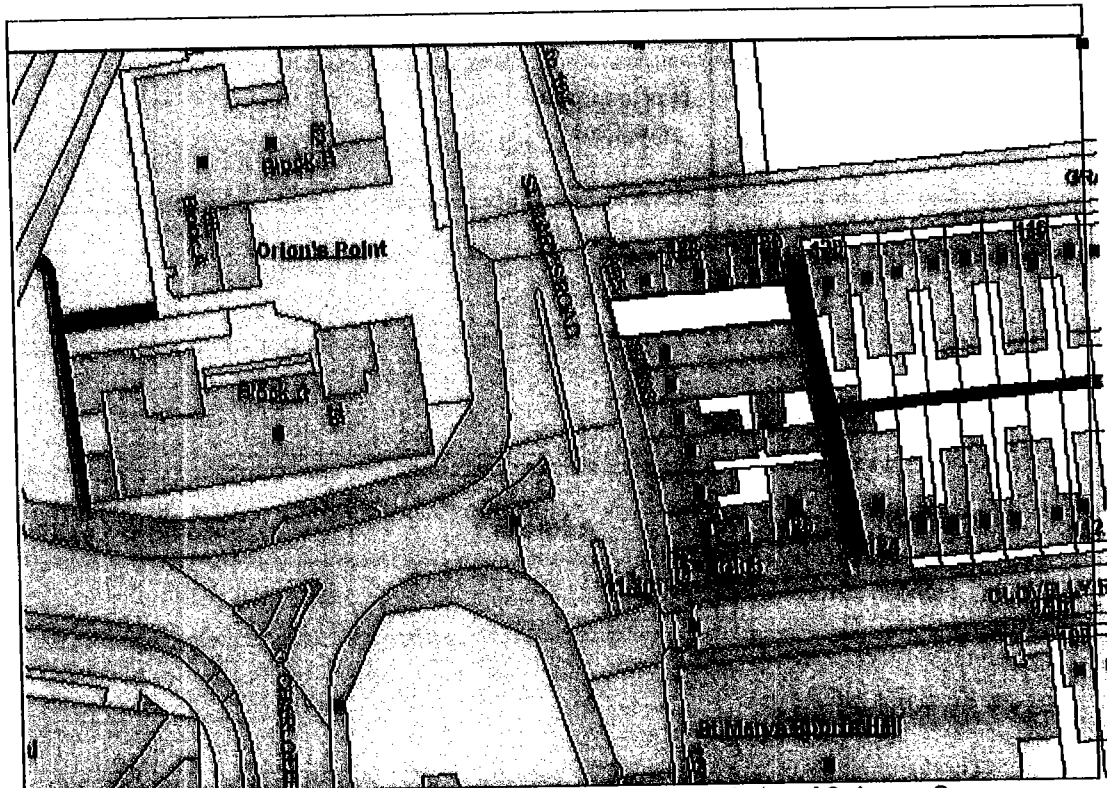
6th January 2011

**Application for Review of Premises Licence**

Premises Name: Pound Xtra  
 Premises Address: 106 St. Marys Road  
 Southampton  
 SO14 0AN

Application Date: 12th November 2010  
 Application Received Date: 12th November 2010

Application Valid Date: 12th November 2010



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**Representation From Responsible Authorities**

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No Response Received	

Hampshire Fire And Rescue - Licensing	No Response Received	
Environmental Health - Licensing	No Response Received	
Planning & Sustainability - Building Control - Licensing	No Response Received	
Planning & Sustainability - Development Control - Licensing	No Response Received	
Hampshire Constabulary - Licensing	No Response Received	
Trading Standards - Licensing	No	

### ***Other Representations***

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

### ***Legal Implications***

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

The committee must also have regard to:-

5. ***Crime and Disorder Act 1998***

Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

6. ***Human Rights Act 1998***

The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another persons Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

# SOUTHAMPTON CITY COUNCIL

## Application 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> Pound Xtra, 106 St. Marys Road, Southampton, SO14 0AN	
<b>Post town</b> Southampton	<b>Post code (if known)</b> SO14 0AN
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Sara Desta Woldemichael	
<b>Number of premises licence or club premises certificate (if known)</b> 2009/00141/01SPRN	

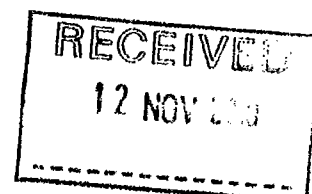
#### Part 2 - Applicant details

I am

1) an interested party (please complete (A) or (B) below)

Please tick yes

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises



- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

**Please tick**

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

**Surname**

**First names**



**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

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

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Lucas Marshall Trading Standards Service Southampton City Council Civic Centre Road Southampton SO14 7LY

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

Please tick one or more boxes

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

<p><b>Please state the ground(s) for review</b> (please read guidance note 1)</p> <p>The Prevention of Crime and Disorder Public Safety Protection of children from harm</p> <p>On 27<sup>th</sup> July 2010 a complaint was received by Southampton City Council Trading Standards Service alleging that counterfeit Smirnoff Vodka was being sold at Pound Xtra, 106 St Marys Rd, Southampton. The complainant claimed that the Smirnoff Vodka which he had purchased from Pound Xtra had made him ill.</p> <p>Counterfeit vodka has increasingly been found by Trading Standards Officers around the UK. It is often produced from industrial alcohol which is imported into the country. It is diluted and packed in bottles which are copies of a variety of brands, including Smirnoff. 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.</p> <p>On 27<sup>th</sup> July 2010 an inspection of Pound Xtra was made by a Trading Standards Officer, and samples of Smirnoff Vodka and Marlboro cigarettes were taken from the premises. These were later examined and confirmed as being counterfeit.</p> <p>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". Counterfeit cigarettes usually originate in China, and are smuggled into the UK. It is also highly unlikely that duty would have been paid on the Smirnoff vodka.</p>
--

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

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 objectives.



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

On 27<sup>th</sup> July 2010 a [REDACTED] contacted Southampton Trading Service regarding Pound Xtra, 106 St Marys Road, Southampton. He claimed that he had purchased a 70cl bottle of Smirnoff Vodka there on the 26<sup>th</sup> July 2010. He drank a quantity of the vodka that evening, which had caused symptoms including vomiting and blurred vision, which he said that he would not usually suffer, and he believed that the vodka was counterfeit (see statement of Joseph Kelly).

On 27<sup>th</sup> July I visited Pound Xtra. I spoke to Aklilu Alem. He is a partner in the business with his wife Sara Desta Woldemichael, who is the Premise Licence Holder and the Designated Premises Supervisor. Mr Alem claimed that his wife is only at the store a couple of times a week, as she looks after their child. Mr Alem is usually present at the store.

Using guidance produced by Diageo, the manufacturer of Smirnoff Vodka, I examined Smirnoff which was displayed for sale behind the counter and identified some which was likely to be counterfeit. I took samples which included 4 x 70cl bottles of Smirnoff Vodka (sample ref 012085 and exhibit LM/1). Mr Alem claimed that he had obtained the Smirnoff and other vodka from a man who had visited his premises in a van, and whom he had no previous dealings with. Mr Alem said he believed the man was from London. He said that he had not paid for the delivery and that the man had told him that he would return to receive payment. He produced a delivery note (exhibit LM/2) which he claimed was for the Smirnoff, however Smirnoff is not one of the products listed on the note.

Whilst searching behind the counter in the store I found a black bin bag containing 72 packs of 20 Marlboro Cigarettes (exhibits LM/3 and LM/4). The packaging didn't look genuine, so I seized them. Mr Alem claimed that the cigarettes were not intended for sale: he said that he was given them to store by a man who he knows as Harvey on the previous evening. I requested to see the CCTV footage of Harvey delivering the cigarettes, and Harvey's telephone number, on this and subsequent occasions, however, despite stating that he would do so, Mr Alem has not provided this information.

On 28<sup>th</sup> July 2010 I revisited Pound Xtra and found another 70cl bottle of Smirnoff Vodka which appeared to be counterfeit. I took this as a sample (exhibit LM/5). I also visited the complainant, Mr Kelly, and took the remainder of his vodka as a sample (reference CS009275).

Sample reference 012085 and the complainant's sample were submitted to Hampshire Scientific Services, the Public Analyst, and confirmed as being counterfeit (Certificates of Analysis exhibits LM/6 and LM/7). The markings on the 3 remaining bottles (exhibits LM/1 and LM/5) indicate that these are also counterfeit.

A sample of the Marlboro Cigarettes (LM/4) was submitted to Robert Fenton, Security Liaison Manager at the Tobacco Manufacturers Association. He confirmed that they were counterfeit (see statement of Robert Fenton).

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 counterfeit goods. I would therefore request that the following conditions are imposed on the premises licence to promote the licensing objectives:

- "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".

- "The Premises Licence Holder must keep complete records, such as invoices, receipts and delivery notes, relating to alcohol and cigarettes 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 from a vehicle details of the vehicle registration, the name of the delivery person and contact details including the name, address and telephone number for the business must be kept. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol and cigarettes present at his premises "

Mr Alem has previously received a Simple Caution regarding the sale of alcohol to a 15 year old girl which occurred at Pound Xtra on 19<sup>th</sup> January 2010 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 relevant authorities on request."

- 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

..... 12/11/10 .....

Capacity Trading Standards Officer

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
Lucas Marshall Trading Standards Service Southampton City Council Civic Centre Rd	
<b>Post town</b> Southampton	<b>Post Code</b> SO14 7LY
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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 2005 (Rule 27.1(1))

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 5 day of Nov 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 by Southampton City Council as a Trading  
Standards Officer. On 27 July 2010 I received a complaint from a member of the public, namely  
B Joseph Kelly, alleging that he had purchased Smirnoff Vodka which he believed to be  
counterfeit, from Pound Xtra, 106 St Marys Road, Southampton. That day, at approximately  
10.05 am, I visited the store. I spoke to a person who I know as one of the partners in the  
C business, Akililu Alem, and told him about the complaint. I examined bottles of Smirnoff Vodka,  
which were displayed for sale behind the shop counter. Referring to a document produced by  
Diageo, the manufacturer Smirnoff, four 70 cl bottles of Smirnoff appeared to be counterfeit. I  
D took one of these bottles as a sample, reference 012085 and seized the remaining 3 bottles,  
which I produce as Exhibit LM/1. At approximately 10:26 I cautioned Akililu Alem. I asked him  
where he had got the Smirnoff Vodka from. Mr Alem claimed that he had obtained the Smirnoff  
and other vodka from a man who had visited his premises in a van, and whom he had no  
E previous dealings with. Mr Alem said he believed the man was from London. He said that he  
had not paid for the delivery and that the man had told him that he would return to receive

ST1(1)HQ Signature: .....



INVESTOR IN PEOPLE

PAGE NO: 2 CONTINUATION OF STATEMENT DATED: 27<sup>th</sup> November 2010

BY: LUCAS MARSHALL

A payment. He produced a receipt which he claimed was for the Smirnoff. I seized the receipt and produce it as Exhibit LM/2. Whilst searching behind the counter in the shop I found a black bin bag containing 72 packs of 20 Marlboro cigarettes. The packaging didn't look genuine, so I seized them. I produce 71 packs of the cigarettes as Exhibit LM/3 and one packet of 20  
B Marlboro cigarettes as Exhibits LM/4, the latter of which was sealed in a plastic bag using a seal numbered BA50402 and subsequently submitted to Robert Fenton, Security Liaison Manager at the Tobacco Manufacturers Association, for examination. Mr Alem claimed that the cigarettes were not intended for sale: he said that he was given them to store by a man who he knows as  
C Harvey on the previous evening. I requested to see the CCTV footage of Harvey delivering the cigarettes, and Harvey's telephone number, on this and subsequent occasions, however, despite stating that he would do so, Mr Alem has not yet provided this information. On 28 July 2010 I revisited Pound Xtra and found another 70 cl bottle of Smirnoff Vodka which appeared to  
D be counterfeit. I seized the bottle and produce this as Exhibit LM/5. That day I also visited the complainant, Mr Kelly and took the remainder of his vodka as a sample, reference CS009275. On 30 July 2010 I submitted the sample, reference 012085, the 70 cl bottle of Smirnoff Vodka and the complainant's sample, reference CS009275, to Hampshire Scientific Services, the  
E Public Analyst. On 27 September 2010 I received the results of analysis from the Public Analyst, which confirmed that samples 012085 and CS009275 were not genuine Smirnoff Vodka. I produce the Certificates of Analysis as Exhibits LM/6 and LM/7. The markings on the remaining bottles, Exhibits LM/1 and LM/5 indicated that these were also counterfeit.

F Signature: .....  
.....

G

ST1(2)HQ



**TRADING STANDARDS SERVICE WITNESS STATEMENT**

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2005 (Rule 27.1(1))

STATEMENT OF: [REDACTED]

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 21<sup>st</sup> day of Oct 2010 Sig

..... 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 [REDACTED]. On the evening of 26 July 2010 I went to Pound Xtra, a shop at 106 St Marys Road, Southampton. Behind the counter, displayed for sale, were 70 cl bottles of Smirnoff Vodka. They were priced at £11.99. The person working behind the counter was
- B black, tall and appeared to be about 30 years old. I asked him for a bottle of the Smirnoff vodka. He gave one to me, but let me have it for £10. That evening I drank about a quarter of the bottle of vodka. I would not normally have suffered any ill effects from drinking this much vodka,
- C however later that evening I started vomiting and I felt hot, restless and shaky and my vision was blurred. I put the remaining vodka in my fridge and the next day I contacted Southampton Trading Standards, as I believed that the vodka may be counterfeit. On 28 July Trading
- D Standards Officer, Lucas Marshall visited me and took my remaining vodka as a sample.

Signature: ....

E

ST1(1)HQ



INVESTOR IN PEOPLE



**Witness Statement**

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

Statement of **Robert Fenton QGM**Age if under 18 Over *(if over 18 insert "over 18")*. Occupation **Security Liaison Manager**

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 30th day of July 2010Tick if witness evidence is visually recorded   
*(supply witness details on rear)*

Sigi

I am employed by the Tobacco Manufacturers Association as The Security Liaison Manager and have been so since November 1997. Part of my work is to act as the liaison point for the various enforcement agencies on tobacco related matters and to assist them identify tobacco products. Today I received in the post a pack of Marlboro Gold cigarettes. They were sealed in a tamper proof bag seal number BA50402. I have examined the packet on an electronic reader and it shown them to be not recognised. I have opened up the packet and discovered that they were in fact hand packed probably from China. I also note that the tear strip on the packet said that they were Exclusive for Duty Free sale and yet the packet itself showed the UK fiscal mark as a duty paid product. There is absolutely no doubt that they are a counterfeit product. The brand owners are Phillip Morris International. After examination I resealed them together with the original seal and bag in a tamper proof bag with seal number BA50147

Signature

Signature witnessed by



**Trading Standards Service**

Incident reference

10/01328/FOODS T

Exhibit reference

L.M/1

Description of article

3 x 70cl SMIRNOFF  
BOTTLES

Signature of person originally identifying

Name of person originally identifying (block letters)

LOCAL MARSHALL

SUN. CASACARY  
WEST LOTHIAN  
EMSY 7.00

~~RECEIPT~~  
DELIVERY NOTE

16 06 2010<sup>7</sup>

PAUND XTRA

106 ST MART ROAD

SO 14 OAN

SOUTHAMPTON

4 CASE AROS VORUM<sup>3999</sup> 159 96  
%17.50 V.A.T. 27 98

NO. PAID  
PEOP INVOICE  
CAME AFTER  
PAID  
2

187 94



Trading Standards Service

Incident reference

10/01328/Foodst

Exhibit reference

LM/2

Description of article

RECEIPT DELIVERY NOTE

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARINALL



**Trading Standards Service**

Incident reference

10/01328/FOODS

Exhibit reference

LN/3

Description of article

71 X PACKS OF  
20 MARLBORO CIGARETTES

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCY MARSHALL

EH.126 07.10.22561



Trading Standards Service

Incident reference

10/01328/F-001T

Exhibit reference

LM/4

Description of article

1 X PACKET OF 20  
MARRSORE CHARCUTER

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 07.10.22561



**Trading Standards Service**

Incident reference

10/01328/FOODS

Exhibit reference

LN/S

Description of article

1X 70cl BOTTLE OF  
SMOOTH SODA

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARINALL

EH.126 07.10.22561



INVESTOR IN PEOPLE

**Scientific Service**

*Consulting Scientists & Public Analysts*

*Property, Business and Regulatory*

*Hyde Park Road, Southsea, Hampshire PO5 4LL*

*Telephone (023) 9282 9501*

*Fax (023) 9281 8347*

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 30/07/2010 the sample marked:

<u>Date sample taken</u>	<u>Reference number, description etc.</u>	<u>Weight/measure</u>
27/07/2010	012085	710ml
1120	1 X 70CL BOTTLE SMIRNOFF VODKA 1L 37.5%	

Place of Sampling: POUND XTRA, 106 ST MARYS RD, SOUTHAMPTON

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	:	38.9
Fructose mg/l	:	< 2.0
Glucose mg/l	:	538
Sucrose mg/l	:	64.0
Methanol g/100L alc	:	0.00

My opinion and observations are:-

The declared alcoholic strength was 37.5 % volume.

The uncertainty of measurement is 0.4% alcohol by volume.

24 September 2010

Lab ref: 161490

The difference between the amount of alcohol found and the amount declared taking into account the uncertainty of measurement was 1% 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 0.7% volume more than the maximum permitted.

In my opinion, "Smirnoff" brand vodka contains the sugars fructose, glucose and sucrose (typically 30 mg/l fructose, 30 mg/l glucose, 45 mg/l sucrose).

These sugars were not detected at these levels in the sample and I am therefore of the opinion that the sample was not genuine "Smirnoff" brand vodka as retailed in the United Kingdom.


The UK duty stamp on a Smirnoff brand vodka label fluoresces at a wavelength of 365nm.

The UK duty stamp did not fluoresce.

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: 161490





**Trading Standards Service**

Incident reference

10/01328/FOODST

Exhibit reference

LM/6

Description of article

CERTIFICATE OF ANALYSIS  
FOR SAMPLE 012085

Signature of person originally identifying

\_\_\_\_\_

Name of person originally identifying (block letters)

LUCAS MARIANA

EH.126 07.10.22561



**Trading Standards Service**

Incident reference

10/01328/FOODST

Exhibit reference

LM/7

Description of article

REPORT OF ANALYSIS  
FOR SAMPLE CS009275

Signature of person originally identifying

name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 07.10.22561



**Hampshire**  
County Council



VALUES FOR IN PEOPLE

**Scientific Service**

Consulting Scientists & Public Analysts,  
Property, Business and Regulatory  
Hyde Park Road, Southsea, Hampshire PO5 4LL  
Telephone (023) 9282 9501  
Fax (023) 9281 8347

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

Lab ref: 161486  
Client Ref: CS009275  
Date: 24/09/2010  
**Opinion Unsatisfactory**  
Reported by Shayne Dyer

**REPORT OF ANALYSIS**

Labelled as: 1 X BOTTLE SMIRNOFF 70CL 37.5%

Location: [REDACTED], [REDACTED] D, SOTON

Sampled by: L Marshall

Date taken: 28/07/2010

Date submitted: 30/07/2010

**Observations:**

The complainant stated that after consuming some of the vodka he noticed a chemical taste and smell. He further claimed that the vodka caused vomiting, blurred vision, dizziness and that he felt hot and shaky.

The specimen consisted of the remains of a bottle of vodka containing 260ml of liquid. The specimen was received in a clear plastic bag sealed with a white tag bearing the number BA50121.

In my opinion, "Smirnoff" brand vodka contains the sugars fructose, glucose and sucrose (typically 30 mg/l fructose, 30 mg/l glucose, 45 mg/l sucrose).

These sugars were not detected at these levels in this specimen and I am therefore of the opinion that the specimen was not genuine "Smirnoff" brand vodka as retailed in the United Kingdom.

No methanol was detected in the sample.

The analysis performed gave no indication as to the cause of the symptom alleged by the complainant.

Determination	Result	Method
Alcohol % v/v	37.7	05.109
Fructose mg/l	< 2.0	75.005
Glucose mg/l	588	75.005
Sucrose mg/l	64.9	75.005
Methanol g/100L alc	0.00	55.009

Lab ref: 161486

**LICENSING (LICENSING AND GAMBLING) SUB – COMMITTEE**  
**DECISION OF THE MEETING HELD ON 6th JANUARY 2011**  
**POUND XTRA, 106 ST. MARYS ROAD,SOUTHAMPTON**

The Sub-Committee considered the review application with regards to the Premises Licence at 'Pound Xtra' and had regard to The Licensing Act 2003, the Licensing Objectives, statutory guidance and regulations and the adopted statement of Licensing Policy.

**DECISION**

The Sub-Committee agreed that all the conditions proposed by Trading Standards were to be imposed.

With regard to the suspension, the Sub-Committee were totally unsatisfied with the explanations provided by the licence holder for what had occurred and had grave concerns. The Sub-Committee felt it was fortunate that the implications of selling the vodka had not led to more serious results. It was noted that revocation had not been asked for. The Sub-Committee therefore suspended the premises licence for a period of three months.

44100323 447



### 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: **ELAINE GIBSON**  
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 **16<sup>TH</sup>** 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 ..... 2010.. Signature: .....

A My name is Elaine Gibson. I am employed by Southampton City Council as a Fair Trading Officer. On 13<sup>th</sup> December 2010 I was involved in an underage sales operation in Southampton. The volunteer who we used for the operation was called Charlotte and was 16 years old. I

B produce a sanitised copy of her passport as exhibit EG/1. I produce 2 photos of Charlotte as exhibits EG/2 and EG/3. In the photos she is wearing the same clothes as she wore for the exercise. I can confirm that these photos are an accurate representation of Charlotte and have

C not been enhanced or amended in any way. At approximately 17:50 under age sales volunteer Charlotte entered Pound Xtra, 106 St Marys Street, Southampton and I entered a few minutes after. I had asked her to attempt to purchase alcohol. I did not announce myself to the trader,

D and, acting as a customer I witnessed Charlotte take to the counter 3 cans of Zywiac beer. The person behind the counter was a male of Asian appearance. He had dark straight hair and appeared to be approximately 25. I witnessed the male sell the cans of Zywiac beer to

E Charlotte. I purchased a sundry item from the same male and left the shop. At approximately 18:05 I returned to the shop with Police Officer Jonathan Harris. I announced myself to the male who had sold the alcohol to Charlotte and explained that he had sold alcohol to a person under

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



INVESTOR IN PEOPLE

ST1(1)HQ

BY: Elaine Gibson

A the age of 18 during a test purchase exercise. I then took the details from the seller, his name was Avtar Singh. I then spoke to the owner who is Aklilu Alem. I explained to the owner what had happened and I checked the refusals book, the last entry was on 13<sup>th</sup> December 2010 for cigarettes and it appeared the refusals book was being used regularly as there were additional  
B pages. I signed to show the date I had checked the refusals book. I asked the owner whether there was a till prompt when sales of alcohol were scanned into the till, the owner told me there was not a till prompt. I noticed 1 large sign by the alcohol stating something similar to the following "It is illegal to sell alcohol to anyone under 18". I advised the owner to check the CCTV  
C and keep a recording of this incident.

Signature

D

E

F

G

ST1(2)HQ

STATEMENT OF: **Elaine Gibson**  
 HOME ADDRESS:  
 BUSINESS ADDRESS: **Southampton City Council, Civic Centre, Southampton SO14 7LY**  
 DATE OF BIRTH:  
 OCCUPATION: **Fair Trading Officer**  
 HOME TELEPHONE NO:  
 BUSINESS TELEPHONE NO:

**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: *16/02292*

**CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

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

*NONE*

Dated the *16<sup>th</sup>* day of *SEPTEMBER* 2010

Signed .



5

# 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 JONATHAN HARRIS 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: 17/12/2010

PC 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.

On Monday 13 December 2010, I was involved in a joint test purchase operation with Trading Standards. At around 18:05 hours, I attended POUND XTRA OFF LICENCE at 106 ST MARY'S ROAD, SOUTHAMPTON. The test purchaser, who was only 16 years of age, entered the premise and was shortly followed by Elaine GIBSON who is a Southampton City Council Fair Trading officer. Both had only been in the store for a matter of minutes when I saw the test purchaser exit, carrying a bag which contained 3 cans of ZYWIEC beer. GIBSON exited just behind the test purchaser and she told me that a small male of Asian ethnicity had sold the alcohol which she had witnessed.

I then entered the store with GIBSON and we both introduced ourselves to the male cashier who was later identified as Avtar SINGH 25/07/1987. He was informed that she had committed an offence contrary to S146 of the Licensing Act 2003 by selling alcohol to a person under the age of 18. I then informed SINGH that the way I intended on dealing with the offence was by issuing a penalty notice for disorder or he could opt to have the case heard at court. SINGH stated that she would prefer the penalty notice. Regrettably, I was not in possession of a penalty notice at the time so I agreed to meet SINGH at his work the following day. Before leaving the address, I informed SINGH "I AM REPORTING YOU FOR THE OFFENCE OF SELLING ALCOHOL TO A PERSON UNDER THE AGE OF 18". I then cautioned him to which he made no reply. I returned to the same address at 13:15 hours the following day and PND 2024457 was issued.





**Witness contact details**

URN: | | |

Home Address:

Post Code :

Home Telephone No:

Work Telephone No:

Mobile / Pager No:

Email address:

Preferred means of contact (specify details):

Best time of contact (specify details):

Gender: MALE

Date and Place of Birth:

Former name:

Ethnicity  
Code:

Religion /  
Belief:

**DATES OF WITNESS NON-AVAILABILITY:**

**Witness Care**

- a) Is the witness willing and likely to attend court?  
If 'No', include reason(s) on form MG6. Yes  No
- b) What can be done to ensure attendance?
- 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  
(obtained in accordance with local practice): Yes  No  N/A
- 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 JONATHAN HARRIS

Signature of parent / guardian  
appropriate adult: \_\_\_\_\_ PRINT NAME

Address and telephone  
number if different from above: \_\_\_\_\_

Statement taken by:

Constable 24288 J HARRIS

Station:

WESTERN DIVISIONAL  
HEADQUARTERS

Time and place statement  
taken:



6

## Working Sheet

Hampshire Constabulary

Printed: 03/11/2011 10:37 by 24191

Occurrence: **44100422079 Z Prem Licence (Management Occurrence)**

---

Author: #24288 HARRIS, J.

Report time: 17/12/2010 15:19

Entered by: #24288 HARRIS, J.

Entered time: 17/12/2010 15:19

Remarks: Meeting with DPS and owner

---

The t/p failure that occurred on Monday 13/12/10 was discussed with both Sara and Aklilu and they were asked what measures they have brought into place to prevent another failing. They stated they have now decided to ask everyone (apart from those clearly old enough) for Id. They have implemented the challenge 25 policy and will ensure their staff adhere to this.

SINGH who sold the alcohol on the night is still employed but he has been removed from the counter and will not sell for around 3-4 months. He is being further trained with the view to being sent on a course.

Sara and Aklilu have agreed to print off some challenge 25 posters and place them around their store with reminders on the tills. They have also agreed to train staff on a quarterly basis and will retain records of the training.

They already have a refusals book for alcohol, cigarettes and knives and will continue to maintain this.

I have informed them that I would be happy to go along to any due diligence training to enforce anything they are saying which they seemed keen on. They have my contact details to follow this up.

I reiterated that police will continue to run test purchase operations and highlighted that a further failing would be catastrophic.

Lucas Marshall from Trading standards was also present who is already taking the premise to review in the new year due to a previous test purchase failure and for selling fake alcoholic goods. He advised that he would be added this failure to his presentation.

Letter to be sent to DPS for confirmation.

PC 24288 HARRIS

POLICE PRINT OF HISTORICAL ARREST/DISPOSAL INFORMATION

CRO NUMBER :  
FILENAME : SINGH, AVTAR  
BIRTH DATE : 25/07/87

PENALTY NOTICES - SUMMARY

PENALTY NOTICES : 1

DATE FIRST PENALTY NOTICE : 14/12/10  
DATE LAST PENALTY NOTICE : 14/12/10  
OFFENCE SUMMARY

1 MISCELLANEOUS OFFENCES (2010)

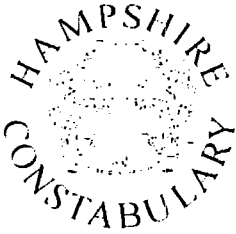
PENALTY NOTICES - FULL DETAILS

1 A/S REF : 11/0000/00/46241Z  
FCE/STN CODE : 44SC  
FP STATUS (1) : NOT TAKEN  
DNA-STATUS : NOT TAKEN  
OFFICER IN CASE: HARRIS/PC/24288  
A/S NAME : SINGH, AVTAR  
A/S DOB : 25/07/87  
REPORTED ON 13/12/10

SALE OF ALCOHOL TO PERSON UNDER 18  
METHOD :  
DEFENDANT SOLD ALCOHOL TO PERSON UNDER THE AGE OF 18  
OFFENCE ORIGINATOR : 44SC  
OFFENCE DATE(S) / TIME(S) : 13/12/10 18:05  
OFFENCE ADDRESS : POUND EXTRA OFF LICENCE ST MARYS ROAD  
SOUTHAMPTON (44SC)  
CRIME/OFF REF : 44100525447  
COMMITTED ON BAIL : NO

PENALTY NOTICE REF : 44SC/44100525447  
PENALTY NOTICE NO : 20244576  
PENALTY NOTICE DATE : 14/12/10  
PENALTY NOTICE AMOUNT : 80.00

-----  
END OF POLICE PRINT OF HISTORICAL ARREST/DISPOSAL INFORMATION



**Hampshire Constabulary**  
**Chief Constable Alex Marshall**

Pound Xtra Off Licence  
106 St Mary's Road  
Southampton  
Hampshire  
SO14 OAN

Southampton Central Police Station  
Civic Centre  
Southampton  
Hampshire  
SO14 7LG

**Our ref:**  
**Your ref:**

**Telephone:** 0845 045 45 45  
**Direct dial:** 02380670981  
**Fax No:** 023 8067 4397  
**Deaf/speech impaired minicom:** 01962 875000

22 December 2010

Dear Sir/Madame

Following our recent meeting regarding a test purchase failure at Pound Xtra off Licence, I am writing to confirm what was discussed and agreed. Hampshire Constabulary are extremely concerned by the significant failings of your business, which resulted in a 16 year old female being served alcohol. This is in direct breach of licensing objectives.

As a responsible licensee, you should be aware of your obligation to promote the four licensing objectives -

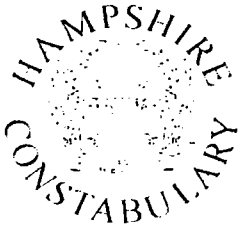
- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

During the meeting, we discussed the consideration of implementing new measures to prevent further incidents occurring, which could be perceived as undermining or breaching the four licensing objectives.

Since the test purchase failure, you have taken a number of actions to minimise the possibility of future incidents.

I can confirm that it was agreed that:

- 1. The member of staff that sold the alcohol to the test purchaser has been removed from the counter and will not sell alcohol for around 3 to 4 months.
- 2. Challenge 25 policy will now be adhered to and posters will be obtained to display in and outside the premise. A reminder will also be placed on the till to remind staff to challenge.



**Hampshire Constabulary**  
Chief Constable Alex Marshall

3. You will provide due diligence training to all staff on a quarterly basis and retain records of this training. (I have offered police attendance during training to reinforce what you are saying)
4. You have a refusals book in which you record refusals for alcohol, cigarettes and knives.

I am aware that following an investigation by Trading Standards, your premise licence is being reviewed. The test purchase failing will only provide further evidence of poor management. Please be aware that we will continue to operate test purchase operations. Any further failings, I would consider catastrophic and I would be left with little choice, but to apply for a further review of your licence with the objective of having the premise licence revoked.

Hopefully we can work together regarding these issues which will highlight your commitment to supporting the four licensing objectives.

I look forward to hearing from you in the near future.

Yours faithfully,

PC 24288 HARRIS  
Violent Crime & Licensing Department



8

URN: | | |

Statement of: Sector Officer 99891 LO

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

Occupation: Police Officer

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.

: 03/09/2011

Sector Officer 99891 LO

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

I am Sector Officer 99891 William LO based in Bitterne Police Station in Hampshire Constabulary. On the 3rd September 2011, I was on duty in plain clothes, under a Test Purchase Operation.

There are two person I will mention in this statement. The first one is the female test purchaser who is under the age of 18 years old. I will refer her as PURCHASER. I will also mention the male serving in the shop. I now known the male to be Arlem AKILU. I will refer him as STORE KEEPER.

At 2230hrs, I accompany PURCHASER into POUND EXTRA OFF LICENCE in St MARY ROAD, Southampton in plain clothes. I saw PURCHASER pick up a bottle of SMIRNOFF ICE 70cl from the shelf and proceed to the checkout. STORE KEEPER ask PURCHASER for £3.49 which is the cost of the bottle, which PURCHASER paid for. I then observe PURCHASER pick up the bottle and left the store. I then follow the PURCHASER outside the store, and the bottle was handed to myself, which I have seized it as evidence at 2233hrs. I have exhibited this under the reference WL/POUND EXTRA/01. After I seized the bottle from PURCHASER as evidence, I then identify and describe STORE KEEPER to SC 99224 LEGG, and indicate to SC LEGG that STORE KEEPER has serviced alcohol to a minor.

During the course of the entire transaction, I was standing next to the PURCHASER, and observe the transaction took place without obstruction to my view. I did not observe STORE KEEPER requesting any form of identification from PURCHASER or questioning whether PURCHASER is within the legal age.

I have no further dealing with STORE KEEPER from this point onwards.

I would describe STORE KEEPER as a IC3 male, approx. 5'11, stocky built. He was wearing a white t-shirt

Signature:

witnessed by: .....





**For Police and Prosecution Only**

**Witness contact details**

URN: | | |

Home Address:

Post Code :

Home Telephone No:

Work Telephone No:

Mobile / Pager No:

Email address:

Preferred means of contact (specify details):

Best time of contact (specify details):

Gender:

Date and Place of Birth:

Former name:

Ethnicity  
Code:

Religion /  
Belief:

**DATES OF WITNESS NON-AVAILABILITY:**

**Witness Care**

- a) Is the witness willing and likely to attend court?  
If 'No', include reason(s) on form MG6. Yes  No
- b) What can be done to ensure attendance?
- 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  
(*obtained in accordance with local practice*): Yes  No  N/A
- 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: *Self*

Station: *Southampton*

Time and place statement  
taken:

Signature

by: .....





(9)

# WITNESS STATEMENT

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

URN: | | |

Statement of: SC 99224 LEGG

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

Occupation: Special 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:

Date: 03.09.2011

-----  
SC 99224 LEGG  
-----

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

I am special constable 99224 LEGG currently based at Southampton Central Police station. This statement details an incident when alcohol from Pounds Xtra, 106 ST MARYS ROAD, Southampton was sold to a person under the age of 18. At the time of the incident I was in full police uniform.

At 22.30 hours on Saturday 3<sup>rd</sup> September 2011 as was on a licensing duty with PS 3555 MARSHMAN and SC 99891 LO who was in plain clothes. A test purchaser, under the age of 18 has entered Pounds Xtra and has been served with Alcohol. I was standing on ST MARYS ROAD and upon leaving Pounds Xtra, SC 99891 LO has given me a description of the male behind the counter, black male, white t shirt and wearing glasses. I have entered Pounds Xtra with PS 3555 MARSHMAN and from the description given by SC 99891 LO I have identified the male now know as Alem, AKLILU DOB 21.03.1985. I have spoken to AKLILU and advised that he has been witnessed by SC 99891 LO selling alcohol to a person under the age of 18. The alcohol has been seized by SC 99891 LO. To resolve the issue AKLILU has been given the option of a penalty notice, which AKLILU has agreed to. I have issued penalty notice 2024606 4 to AKLILU which he has accepted and signed. AKLILU has been reported for the offence of selling alcohol to a person under the age of 18. AKLILU has been cautioned at 22.50 hours on 3<sup>rd</sup> September 2011. AKLILU replied to the caution by nodding his head in an up and down motion. AKLILU has received a copy of penalty notice 2024606 4.

Signed :

-----  
SC 99224 LEGG  
-----

Signature witnessed by :

-----





**Witness contact details**

URN: | | |

Home Address: Southampton Central Police Station

Post Code :

Home Telephone No:

Work Telephone No:

Mobile / Pager No:

Email address:

Preferred means of contact (specify details):

Best time of contact (specify details):

Gender: Male Date and Place of Birth: 10/05/1977 Coventry
Former name: Ethnicity Code: W1 Religion / Belief: None

**DATES OF WITNESS NON-AVAILABILITY:**

**Witness Care**

- a) Is the witness willing and likely to attend court? Yes [X] No [ ]
b) What can be done to ensure attendance?
c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes [ ] No [X]
d) Does the witness have any particular needs? Yes [ ] No [X]

Witness Consent (for witness completion)
a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes [ ] No [X]
b) I have been given the Victim Personal Statement leaflet Yes [ ] No [X]
c) I have been given the leaflet 'Giving a witness statement to the police - what happens next?' Yes [ ] No [X]
d) I consent to police having access to my medical record(s) in relation to this matter Yes [ ] No [ ] N/A [X]
e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes [ ] No [ ] N/A [X]
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 [X]
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: [X]

Statement taken by: SC 99224 LEGG Station: SC
Time and place statement taken: 00.06 SC

03/11/11 10:31

PAGE 1 OF 1

POLICE PRINT OF HISTORICAL ARREST/DISPOSAL INFORMATION

CRO NUMBER :  
FILENAME : AKLILU, ARLEM  
BIRTH DATE : 21/03/85

PENALTY NOTICES - SUMMARY

PENALTY NOTICES : 1

DATE FIRST PENALTY NOTICE : 03/09/11  
DATE LAST PENALTY NOTICE : 03/09/11

OFFENCE SUMMARY

1 MISCELLANEOUS OFFENCES (2011)

PENALTY NOTICES - FULL DETAILS

1 A/S REF : 11/0000/00/918812W  
FCE/STN CODE : 44SC  
FP STATUS (1) : NOT TAKEN  
DNA-STATUS : NOT TAKEN  
OFFICER IN CASE: LEGG/SC/99224  
A/S NAME : AKLILU, ARLEM  
A/S DOB : 21/03/85  
REPORTED ON 03/09/11

SALE OF ALCOHOL TO PERSON UNDER 18  
METHOD :

SELLING ALCOHOL TO UNDER 18  
OFFENCE ORIGINATOR : 44SC  
OFFENCE DATE(S) / TIME(S) : 03/09/11  
OFFENCE ADDRESS : 106 ST MARYS ROAD SOUTHAMPTON  
HAMPSHIRE (44SC)  
CRIME/OFF REF : 44110374738  
COMMITTED ON BAIL : NO

PENALTY NOTICE REF : 44SC/44110375738  
PENALTY NOTICE NO : 20246064  
PENALTY NOTICE DATE : 03/09/11  
PENALTY NOTICE AMOUNT : 80.00

END OF POLICE PRINT OF HISTORICAL ARREST/DISPOSAL INFORMATION

11

## Working Sheet

Hampshire Constabulary

Printed: 03/11/2011 11:03 by 24191

Occurrence: **44100422079 Z Prem Licence (Management Occurrence)**

Author: #24191 WOOD, B.

Report time: 02/11/2011 14:05

Entered by: #24191 WOOD, B.

Entered time: 02/11/2011 14:05

Remarks: Visit 02/11/11

Premises visited at 1100hrs by PC 24191 WOOD and PS 3555 MARSHMAN.

Each condition of the licence was gone through with the DPS Aklilu ALEM.

CCTV - Condition states that it must be held for 30 days and that every member of staff should be able to operate it. ALEM took 15 minutes trying to play me footage from 01/10/11. Eventually he gave up and asked a member of staff, Darota, to do it for him. The system kept jumping to 29/10/11. Tried 03/10/11 - still jumped to 29/10/11. The furthest back that the system has retained footage is the 29th October. 4 days. **BREACH OF LICENCE.**

Records of Invoices - not checked

Challenge 25 - Poster on door, next to 'Crunk Juice on sale here!' sticker. Refusals log viewed, however recent TP failure would indicate **BREACH OF LICENCE**

NCPLH - The PLH, DPS and two staff are all now personal licence holders.

TRAINING - Staff to be trained regarding underage sales, records to be kept, signed and dated by staff, and refresher training conducted every six months. DPS produced one loose A4 paged document which he had been given by trading standards which details vague aspects of licensing law. There was nothing to cover Challenge 25. He also had several handwritten A4 documents which appeared to be written by Sara - the PLH. It had 5-6 points on it which included 'Remember Challenge 25'. Each page was signed and dated by members of staff - Avtar SINGH, Darota, and ALEM. Dates included 10th October 2010, and 1st April 2011. Nothing more recent. **BREACH OF LICENCE.**

REFUSALS BOOK - Is up and running and being used. However, the last check of the book was made by Darota on 4th May 2011. There is no evidence of either the DPS or PLH having checked the book. It is certainly not signed or dated as such. **BREACH OF LICENCE.**

At 1141hrs Aklilu ALEM was reported for being in breach of the premises licence and informed that the premises would be taken to review.

By the time I had returned to the station, which was directly after leaving the premises, ALEM was already on the phone stating that he had located training records. He has since attended SC station and shown me identical documents for 1st July 2011, however, only for Darota and Avtar SINGH. ALEM was begging for the premises not to be taken to review.

24191

PNB (15)

Pc 24191 WOOD

(12)

23/10/11

32

"BUT THERE'S SOME  
REALLY NASTY PEOPLE  
OUT THERE."

Yellow card issued.

0330 (11)

Wednesday 26th October 11.

Duty 0800-1600hrs

TRAINING - NETS

Thursday 27th October 11.

TRAINING - NETS

Friday 28th October 11.

TRAINING - NETS

Monday 31st October 11.

Duty 0800-1700hrs

0800 a duty etc.

PNC Sylvia BICHARD

10/01/77. - no vac.

Jane CUTLER 12/10/66

No vac.

1300 JCBAR.

1440 HATCHERS NEWS

1700 (11)

Tuesday 1st November 11.

Duty 0800-1700hrs

0800 a duty etc.

(2)

1645 (10)

Wednesday 2nd Nov. 2011.

Duty 0800-1700hrs

0800 a duty etc.

Meeting

1100 w/ PS MARSHMAN

to PCINTD XIRA

87 MARSH ROAD.

Entered shops and  
spoke with male  
who identified  
himself as D/S.  
Atkin ATKIN.

Went to rear of shop  
with D/S.  
Requested to see  
CCTV. Taken to the  
hi area where  
there is a CCTV  
monitor.

1114 Request made to  
view CCTV from  
01/10/11 at 2000.

1120 D/S knows someone  
to get member.

as unable to get  
date.

Female staff member  
got date 01/10/11  
on record but defaulted  
to 29/10/11 at CC33ms.  
Tried again for 03/10/11  
defaulted to 29/10/11  
again.

1127 D/S concedes that  
photo is only held  
from 29/10/11.

States system installed  
in summer by a company  
from London.

They said it would  
retain footage for

up to two hours depending on the quality of the image. They returned to head of stove.

Request made to see details of 1194 was held forward because of x copies than to me for D's, M and 2 other.

Training records requested.

Produced loose 19 sheets - given by having 10 records. 1988 loose 19 pages

each handwritten with basic training - about 16 pairs to be checked

signed down the separately by Aulis, Arta SINCH and

Datta. Most recently dated 17 April 2011.

Manually handwritten training on 100 main 6 records on 19 records separately.

They viewed records log - A pre-arranged 'no to No state' book

fallen apart  
had been filed in  
but no crew  
received by DPS  
at P.H.

last one by  
Nixon on 7th May 2011

1141 Reported ARLEN  
for being in breach  
of his license as  
any other officers  
which came to light.

CH. NR  
reviewed license to  
ensure DPS had a  
copy of conditions.  
Advised that pressures

would be taken to  
review.

1700 Resume.

1800 ARLEN attends District  
with training sheets  
for Area and District  
signed for 1st July 11  
Advised that they  
now have every  
three months

A have passed  
at Mac Tule a  
has passed needs  
for him and that  
they are now 4 months  
old.

1800 Shaved the



Referrals to be made - trace 36

We have new signed  
list dated 31/10/11.

1900 ③ PC.

1700 ⑩

Thursday 3rd November 2011.

Day 0800-1700hrs.

0800 on Duty PC.

### 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.

(witness) Date: 03/11/11

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 POUND XTRA, 106 St Marys 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:

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

Sign

Witnessed by: .....

**Witness contact details**

Home Address: \_\_\_\_\_  
 Home Telephone No: \_\_\_\_\_ Work Telephone No: \_\_\_\_\_  
 Mobile / Pager No: \_\_\_\_\_ Email address: \_\_\_\_\_  
 Preferred means of contact (*specify details*): \_\_\_\_\_  
 Best time of contact (*specify details*): \_\_\_\_\_  
 Gender: \_\_\_\_\_ Date and Place of Birth: \_\_\_\_\_  
 Former name: \_\_\_\_\_ Ethnicity Code: \_\_\_\_\_ Religion / Belief: \_\_\_\_\_

**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?
- 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: \_\_\_\_\_



### TRADING STANDARDS SERVICE WITNESS STATEMENT

C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2011 (Rule 27)

STATEMENT OF: **LUCAS 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 11th day of 2011

..... 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  
B Officer. On 1<sup>st</sup> September 2011, at approximately 10.00 am, I visited the shop which trades as Pound  
C Xtra, 106 St Mary's Road, Southampton. I examined spirits displayed for sale behind the counter. One  
D of the spirits, Vantage Vodka 70cl interested me because it was priced at only £6.99. This is a very low  
E price for a 70cl bottle of vodka, and would not cover the cost of duty and VAT, which would be  
approximately £8.00. I took a sample of the product, ref no 012159. and subsequently submitted it for  
analysis, however no problems were found with regard to its composition. Given the low price, and that  
the duty number, A4000000892, is not a valid number, it is likely to be non-duty paid. I recorded that  
there were a total of 120 bottles of Vantage Vodka in the shop: 12 behind the counter, and 108 in a  
store room. Later that day I phoned Mr Aklilu Alem, the Designated Premises Supervisor and owner of  
the store. He said that he had bought the Vantage Vodka from Palace Drinks, a wholesaler in Shoreham  
by Sea, a few weeks ago. That afternoon he brought delivery notes relating to what he claimed were his  
purchases of Vantage Vodka from Palace Drinks. I produce copies of the notes, dated 11/05/2011 and  
13/07/2011 as Exhibit LDM/1. The delivery notes did not refer to Vantage Vodka. Mr Alem claimed that  
the product stated in the notes as 'House Vodka' was the Vantage Vodka. The delivery notes do not



BY: LUCAS MARSHALL

A clearly itemise the quantity of Vantage Vodka purchased by Mr Alem and do not correlate with the  
quantity which I found on the premises. The delivery notes indicate a price of £323.93 for 6 cases,  
each case containing 6 bottles of 'House Vodka'. This equates to a price of £9 per bottle, whilst Mr  
Alem claimed that he had paid only £5 per bottle. There is a condition on Pound Xtra's Premises  
B Licence stating: 'The Premises Licence Holder must keep complete records, such as invoices, receipts  
and delivery notes, relating to alcohol and cigarettes obtained by him for sale from his shop. Records  
C must include the name, address and telephone number of the supplier, the date of supply, the products  
supplied, and the prices. Where items have been delivered to his shop from a vehicle details of the  
vehicle registration, the name of the delivery person and contact details including the name, address  
D and telephone number for the business must be kept. These details must be available on request to  
Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who  
supplied alcohol and cigarettes present at his premises.' There has clearly been a breach of this  
E condition. Additionally details regarding the delivery vehicle had not been recorded by the Premises  
Licence Holder.

Signature:

F

G

H

STATEMENT OF: **LUCAS MARSHALL**

HOME ADDRESS:

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

DATE OF BIRTH:

OCCUPATION: **Trading Standards Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO:

EMAIL ADDRESS:

**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.

*NONE*  
Dated the *11* day of *Nov* 2011



incident reference

11/01417/SARETT

Exhibit reference

LOM/1

Description of article

DELIVERY NOTES FROM  
PALACE DRINKS DATED  
11/5/2011 & 13/7/2011

Signature of person originally identifying

Name of person originally identifying (block letters)

Lucas Marshall

H:126 0710 22561

PALACE DRINKS  
UNIT 1  
HARBOUR WAY AND 1<sup>ST</sup>.  
SHOREHAM-BY-SEA  
SUSSEX  
BN43 5HZ

Tel: 01273 462060  
Fax: 01273 463256

Southcoast Wholesale Ltd.  
VAT Reg No: 982 9377 59  
Company No. 7102168

POUND EXTRA  
106 ST MARYS ROAD  
SOUTHAMPTON  
HAMPSHIRE  
SO14 0AN

07961 583 121

Inv. No: 16697  
Date: 11/05/2011  
Page: 1 of 1

Code	Quantity	Details	Unit	Net	VAT	Total
1616	5.00	TYSKIE CAN	19.29	96.45	19.29	115.74
1613	0.00	LECH CAN	19.29	0.00	0.00	0.00
16166	5.00	PROMO - ZYWIEC 500ML	17.99	89.95	17.99	107.94

11/5/11  
PAID

ALL STOCK REMAINS THE PROPERTY OF  
PALACE DRINKS UNTIL FULL PAYMENT  
IS RECEIVED

ANY DAMAGES MUST BE REPORTED WITHIN 24 HOURS  
OTHERWISE REPLACEMENTS CANNOT BE GUARANTEED

TOTAL NET AMOUNT £186.40  
TOTAL VAT AMOUNT £37.28  
INVOICE TOTAL £223.68  
TOTAL ITEMS 10.00

**PALACE DRINKS**  
**UNIT 1**  
**HARBOUR WAY IND EST.**  
**SHOREHAM-BY-SEA**  
**SUSSEX**  
**BN43 5HZ**

**Tel: 01273 462060**  
**Fax: 01273 463256**

*Southcoast Wholesale Ltd.*  
*VAT Reg No: 982 9377 59*  
*Company No. 710216*

**POUND EXTRA**  
**106 ST MARYS ROAD**  
**SOUTHAMPTON**  
**HAMPSHIRE**  
**SO14 0AN**

**Inv. No:** 16662  
**Date:** 11/05/2011  
**Page:** 1 of 1

**07961 583 121**

<b>Code</b>	<b>Quantity</b>	<b>Details</b>	<b>Unit</b>	<b>Net</b>	<b>VAT</b>	<b>Total</b>
4518	6.00	HOUSE VODKA 6 X 70CL	44.99	269.94	53.99	323.93
601	1.00	ITALIAN HOUSE MERLOT 6 X 75CL	11.29	11.29	2.26	13.55
602	1.00	ITALIAN HOUSE CHARDONNAY 6 X 75CL	11.29	11.29	2.26	13.55
603	1.00	ITALIAN HOUSE PINOT GRIGIO 6 X 75CL	11.29	11.29	2.26	13.55
604	1.00	ITALIAN HOUSE PINK PINOT 6 X 75CL	11.29	11.29	2.26	13.55
605	1.00	ITALIAN HOUSE SOAVE 6 X 75CL	11.29	11.29	2.26	13.55
607	1.00	ITALIAN HOUSE CABERNET SAUVIGNON 6 X 75CL	11.29	11.29	2.26	13.55

**ALL STOCK REMAINS THE PROPERTY OF  
PALACE DRINKS UNTIL FULL PAYMENT  
IS RECEIVED**

**TOTAL NET AMOUNT** £337.68

**TOTAL VAT AMOUNT** £67.55

**ANY DAMAGES MUST BE REPORTED WITHIN 24 HOURS  
OTHERWISE REPLACEMENTS CANNOT BE GUARANTEED**

**INVOICE TOTAL** £405.23

**TOTAL ITEMS** 12.00



# DELIVERY NOTE

1

POUND EXTRA  
106 ST MARYS ROAD  
SOUTHAMPTON  
HAMPSHIRE  
SO14 0AN

416

11/05/2011

07961 583 121

Code	Quantity	Details	Unit
SP01	3.00	VODKA 70 CL	0.00

11/05/11

THIS IS NOT A  
VAT INVOICE

0.00

3.00

**PALACE DRINKS**  
**UNIT 1 - 3**  
**EASTERN AVENUE**  
**SHOREHAM-BY-SEA**  
**SUSSEX**  
**BN43 6PD**

07:43

**Tel: 01273 462060**  
**Fax: 01273 463256**

*Southcoast Wholesale Ltd.*  
*VAT Reg No: 982 9377 59*  
*Company No. 7102168*

**POUND EXTRA**  
**106 ST MARYS ROAD**  
**SOUTHAMPTON**  
**HAMPSHIRE**  
**SO14 0AN**

**Inv. No:** 18403  
**Date:** 13/07/2011  
**Page:** 1 of 1

**07961 583 121**

Code	Quantity	Details	Unit	Net	VAT	Total
4518	0.00	HOUSE VODKA 6 X 70CL	46.99	0.00	0.00	0.00
2206	10.00	K CIDER CANS	17.99	179.90	35.98	215.88
4502	1.00	SMIRNOFF RED C/S 6X70CL PM	56.94	56.94	11.39	68.33
4102	2.00	FAMOUS GROUSE C/S 6X70CL	61.99	123.98	24.80	148.78

*Rec'd in Full*

**ALL STOCK REMAINS THE PROPERTY OF  
PALACE DRINKS UNTIL FULL PAYMENT  
IS RECEIVED**

**TOTAL NET AMOUNT** £360.82

**TOTAL VAT AMOUNT** £72.17

**INVOICE TOTAL** £432.99

**TOTAL ITEMS** 13.00

**ANY DAMAGES MUST BE REPORTED WITHIN 24 HOURS  
OTHERWISE REPLACEMENTS CANNOT BE GUARANTEED**

Order Picking: JIB	Picker:
Invoiced By:	Checked:

**From:** Marshall, Lucas

**Sent:** 23 November 2011 13:02

**To:** Licensing; southampton.licensing@hampshire.pnn.police.uk

**Subject:** Pound Xtra Licence Review Application

Dear Sir/Madam

I am in receipt of a copy of the Licence Review Application relating to Pound Xtra, 106 St Marys Rd, Licence no. 2011/01632/01SPRD. 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, public safety and protection of children from harm.

In November 2010 I applied for a review of the premises licence, relating to the sale of counterfeit alcohol, possession of counterfeit cigarettes and two underage sales of alcohol. The licence was suspended for 3 months and conditions relating to the prevention of under age sales and the keeping of records of alcohol purchased were imposed on the licence.

On 1<sup>st</sup> September 2011, following a complaint alleging sale of illegal vodka at Pound Xtra, I visited the shop and examined spirits displayed for sale behind the counter. One of the spirits, Vantage Vodka, was priced at only £6.99: this is a very low price for a 70cl bottle of vodka, and would not cover the cost of duty and VAT, which would be approximately £8.00. A sample of the product was taken and submitted for analysis. Compositionally it was found to be satisfactory, however given the low price, and that the duty number, A40000000892, is not a valid number, it is likely to be non-duty paid. 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. There were a total of 120 bottles of the product in the store. There is a condition on the licence that: "The Premises Licence Holder must keep complete records, such as invoices, receipts and delivery notes, relating to alcohol and cigarettes 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 from a vehicle details of the vehicle registration, the name of the delivery person and contact details including the name, address and telephone number for the business must be kept. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol and cigarettes present at his premises".

Mr Alem provided delivery notes which he claimed related to deliveries of the Vantage Vodka, however they do not clearly itemise the quantity of Vantage Vodka purchased by Mr Alem and do not correlate with the quantity which I found on the premises. There has clearly been a breach of this condition. Additionally details regarding the delivery vehicle had not been recorded. A copy of my statement regarding this matter is included in the Application.

Repeat under age sales and possession of illegal alcohol demonstrate little regard for the licensing objectives. Conditions imposed on the licence to assist the Premises Licence Holder and DPS in the prevention of further such incidents have not been implemented. Mr Alem, who is the DPS, owner and manager of the store is not competent in this role. In my opinion revocation of the licence is the only means by which further incidents at the premises can be avoided.

Yours faithfully

Lucas Marshall

Lucas Marshall  
Trading Standards Officer  
Environmental Health and Consumer Protection Division  
**Southampton City Council**

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