



Reference: 2012/00240/01SRAP

Hearing:

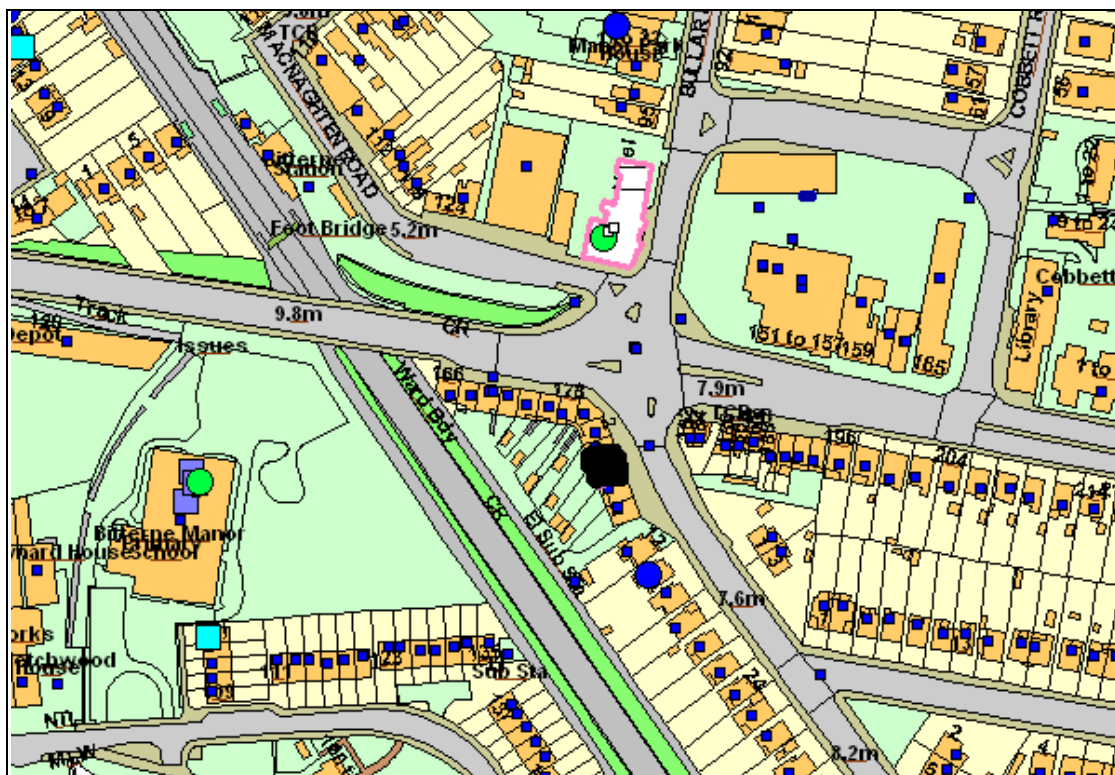
22nd March 2012

Application for Review of Premises Licence

Premises Name: George's
 Premises Address: 6 Athelstan Road
 Bitterne
 Southampton
 SO19 4DD

Application Date: 3rd February 2012
 Application Received Date: 3rd February 2012

Application Valid Date: 3rd February 2012



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	Yes	
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	
Trading Standards - Licensing	No	

Other Representations

Name	Address	Contributor Type
NONE RECEIVED		

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.

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

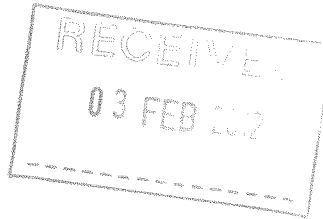


Direct dial: 023 8083 4930
 Fax: 023 8083 2656
 Email: lucas.marshall@southampton.gov.uk

Please ask for: Lucas Marshall
 Our ref: 11/01506/TMA
 Your ref:

3rd February 2012

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



Dear Sir/Madam

Licensing Act 2003

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

Ozgur Ekinci
 Trading as: Georges, 6 Athelstan Road, Southampton SO19 4DD
 Premises licence number: 2011/00333/01SRAP

Yours faithfully

Lucas Mars.....
Trading Standards Officer

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



Southampton City Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I Southampton City Council Trading Standards Service

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Georges
6 Athlestan Road
Bitterne

Post town Southampton

Post code (if known) SO19 4DD

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

Ozgur Ekinci

Number of premises licence or club premises certificate (if known)

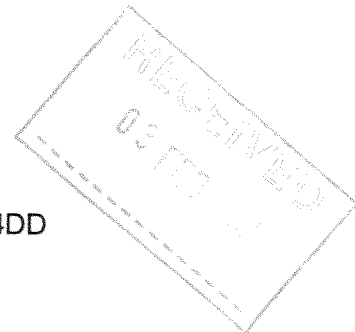
2011/00333/01SRAP

Part 2 - Applicant details

I am

Please tick yes

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



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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

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

Telephone number (if any)

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

Please tick one or more boxes

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

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

The Prevention of Crime and Disorder
 Public safety

In September 2011, a complaint was received from a member of the public, alleging that Jacobs Creek wine which had been purchased from Georges, 6 Athlestan Road, Southampton, was counterfeit. On 16th September 2011 Trading Standards Officers visited the premises and seized 5 bottles of counterfeit Jacobs Creek wine.

Counterfeit Jacob's Creek wine has been infiltrating the market since December 2010. Although the wine is unlikely to be harmful, the quality is poor. The complainant was charged £5.99 for the product, a price you would expect to pay for the genuine product.

On 14th November 2011 Officers returned to the shop and found 2 bottles of Russian Standard vodka. Intelligence regarding Russian Standard had been issued to Trading Standards Services by HMRC, as the product is of a poor quality, it is non-uk duty paid, and some batches had been found to contain high levels of the poison methanol.

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".

For information this premises had previously been subject to a review, on 24th March 2011, regarding counterfeit and non-duty paid alcohol. The licence was suspended on that occasion and conditions were imposed on the licence relating to record keeping of alcohol purchased and prevention of under age sales. During the inspection on 14th November Trading Standards Officers found that the Premises Licence Holder was in

breach of most of those conditions, further details of which are given in this application.

Furthermore Imam Ekinci, the owner of the business which trades as Georges, was also Premises Licence Holder at London Off Licence 2, 27 St Catherines Rd when counterfeit alcohol was found there in July 2010. This premises was subsequently subject to a licence review, the licence was suspended and conditions added.

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

In the supporting information we give more details and state the reasons for the request of the revocation.

Please provide as much information as possible to support the application

(please read guidance note 2)

On 14th September 2011, Southampton Trading Standards Service received a complaint from a consumer regarding a bottle of Jacobs Creek wine which he had purchased from Georges, 6 Athlestan Road, Southampton: the wine did not taste like Jacobs Creek and there were misspellings on the label.

On 16th September 2011 Fair Trading Officer Claire Hill and Trading Standards Officer Christine Hill visited Georges, 6 Athlestan Road, Bitterne, Southampton SO19 4DD. During the visit Ms Hill examined bottles of Jacobs Creek wine and found 5 bottles bearing labels which misspelt Australia as 'Australilia'. They suspected that the wine was counterfeit, so seized the bottles.

A Brand Security Manager from Pernod Ricard subsequently conducted an examination of the bottles and made statements to the effect that the bottles bear a copy of the Jacobs Creek registration mark and that they were counterfeit.

On 3rd November 2011, Christine Hill and Claire Hill conducted a recorded interview with Imam Ekinci who is the owner of Georges, and is responsible for running the business. Imam is the father of the Premises Licence Holder, Ozgur Ekinci.

During the interview, Imam stated that these bottles were from stock that he had purchased from the previous owner of Georges. He had owned the shop since April 2010, however the Security Brand Manager for Pernod Ricard has stated in their statement that they had only been aware of counterfeit Jacob's Creek being retailed in the UK since December 2010. It is therefore more likely that these bottles of wine had been purchased by Mr Ekinci since he took over control of the premises.

During interview Mr Ekinci produced invoices and receipts from Bookers, Macro and Bestway, which on examination did not identify any purchase of Jacobs Creek wine.

On 14th November 2011, Lucas Marshall and Claire Hill revisited Georges, 6 Athelstan Rd. Two bottles of Russian Standard Vodka were found. This product had been the subject of an intelligence report issued to Trading Standards Services by HMRC, and some of the product has been found to contain high levels of Methanol, which is poisonous. One of the bottles was sent for analysis. Methanol was not detected at high levels, however it was found to be deficient in alcoholic strength, which is an indication of poor quality ingredients and manufacture: these products are often made from diluted industrial alcohol intended for cleaning use, rather than consumption. Additionally the duty stamp on the bottle did not fluoresce, indicating that UK duty had not been paid on it.

This premises has previously been subject to review on 24th March 2011, following sale of counterfeit and non UK duty paid alcohol. Conditions relating to keeping records of alcohol purchased, and prevention of under age sales were imposed on the licence. Mr Marshall questioned Imam Ekinci and a member of staff, Jenny Richardson, regarding the conditions during his visit on 14th November 2011. He found that the majority of the conditions were being breached in the following respects:

'the Premises Licence Holder must be able to identify who supplied alcohol present at the premises and supply written details (including name, address, and telephone number of supplier and date of supply/price paid) to an authorised officer within 24 hours of receiving a request to do so. Delivery notes, invoices, receipts and similar records should be retained for a minimum period of 24 months and made available on request to an authorised officer'.

Imam Ekinci was unable to produce any documentation to evidence the purchase of the counterfeit Jacobs Creek wine or the Russian Standard vodka, claiming that he had inherited this stock from the previous owner of the business.

'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'.

The member of staff Jenny Richardson, who was present during the inspection of 14th November had worked at the store for 3 weeks. She had not been trained to NCPLH, or equivalent, level, and confirmed that she had been selling alcohol unsupervised.

During interview Mr Ekinci confirmed that Jenny Richardson had continued to sell alcohol unsupervised following the our visit on 14th November, despite still not having received 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.'

There were no records of training for Jenny Richardson prior to our visit on 14th November 2011.

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

Jenny Richardson was unaware of the refusals book, had not been trained to use it and had not used it prior to our visit of 14th November. The record had been used infrequently.

' 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.'

Imam Ekinci admitted that the CCTV system had not been working for 1 1/2 months prior to our visit on 14th November. He was unable to provide a recording for the

previous 30 days.

On 20th December 2011, Lucas Marshall and Claire Hill interviewed Imam Ekinci. He was unable to produce invoices for the Russian Standard, and once again stated again that 'this was old stock'.

Illegal alcohol has been found at Imam Ekinci's business Georges on 3 occasions. It has also been found at London Off Licence 2, 27 St Catherines Rd, Bitterne, where Imam Ekinci is the Premises Licence Holder. On each occasion Mr Ekinci has claimed that the illegal stock had originated from that which he'd purchased from the previous owner of Georges, when he bought the business in April 2010. This is highly unlikely: as previously mentioned the brand holders were unaware of counterfeit Jacobs Creek until December 2010. Mr Ekinci admitted that the Russian Standard vodka had not been displayed for sale when Officers conducted checks and seized stock on the 16th September 2011. He claimed that it was old stock which he'd found in a box with Christmas decorations. He claimed to have tested it by drinking some, and had not found any problems so decided to sell it. Products such as cheap vodkas and Jacobs Creek wine are popular lines and it is doubtful whether Mr Ekinci would have stock of these products dating back to April 2010, especially given that the store room at Georges is very small, necessitating frequent restocking. Mr Ekinci has been unable to provide details of stock purchased from the previous occupant. In the unlikely event that Mr Ekinci had inherited the Jacobs Creek and Russian Standard Vodka from the previous owner basic diligence would have been not to sell it, given the past issues that he has had with illegal alcohol which he claims is from the same source. He has been repeatedly advised regarding basic checks that could be conducted on alcohol to ascertain whether it is illegal, such as using an inexpensive ultra violet light to check the duty stamp, but has failed to heed this advice.

Imam Ekinci has repeatedly sold illegal alcohol. In doing so he has shown a complete lack of regard for his customers. Conditions which were imposed on the licence to assist him in the management of the premises have been blatantly ignored. On 30th January 2012 PC 24191 Wood visited the premises and found that the conditions regarding staff training, use of the refusals record and CCTV continued to be ignored (a copy of her letter to the Premises Licence Holder is appended to this Review). I do not believe that further conditions would be complied with or would be effective in the prevention of further such offences. I therefore request that the licence is revoked.

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

0	9	0	2	2	0	1	1
---	---	---	---	---	---	---	---

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

A review has previously been served on Georges, 6 Athelstan Rd, by Southampton City Council Trading Standards, on the grounds of Prevention of Crime, and Public Safety: counterfeit and non-duty paid alcohol had been found on the premises. The review was heard on 24th March 2011, and resulted in a 6 week suspension and the imposition of conditions relating to record keeping of alcohol purchased, and prevention of underage sales.

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 3rd February 2012

.....

Capacity Trading Standard Officer

.....

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

Lucas Marshall
 Trading Standards Service
 Southampton City Council
 Civic Centre Road

Post town
 Southampton

Post Code
 SO14 7LY

Telephone number

If you would prefer to provide an e-mail address (please provide full e-mail address)

mail address your e-mail address
 <

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 2011 (Rule 27)

STATEMENT OF: **CLAIRE ELIZABETH HILL**

AGE IF UNDER 18: **OVER 18**

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

Dated the 9th day of JANUARY 2012 Sigr

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

Dated the day of 2012 Signature:

A I am the above named person and am employed by Southampton City Council Trading Standards Service as a Fair Trading Officer based at 7 Civic Centre Road, Southampton. On Friday, 16th September 2011 Trading Standards Officer, Christine Hill and I visited Georges, 6 Athelstan Road,

B Bitterne, SO19 4DD, following a complaint made by a member of the public to Consumer Direct alleging sale of counterfeit Jacobs Creek wine. I issued a PACE Code B notice to Imam Ekinci, the Premises Licence Holder, and seized ten bottles of Gallo white wine, exhibit CEH1, and three bottles of Jacobs

C Creek Shiraz and two bottles of Jacobs Creek Chardonnay wine, exhibit CEH2. I cautioned Imam Ekinci, the shop owner, and asked him where he had bought these bottles of wine from, to which he replied that he gets his stock from the wholesalers Bookers, Makro, Bestway and Eastleigh Cash'n'Carry, and that

D some of his stock was in the shop when he bought the business a year ago. The bottles of Jacobs Creek wine were subsequently confirmed as being counterfeit by Jodie McCombie the Brand Security Manager for the brand holder, Pernod Richard. The Gallo wine was found to be genuine and was restored to

E Imam Ekinci. On Thursday, 3rd November 2011 I conducted a PACE Code C audibly recorded interview with Imam Ekinci, which took place in the interview room at Southampton Trading Standards, 7 Civic Centre Road, Southampton. I produce a copy of the interview CD as exhibit CEH3. He was unable to

Signature

[Handwritten signature]



PAGE NO: 2 CONTINUATION OF STATEMENT DATED:

BY **CLAIRE ELIZABETH HILL**

A produce any invoices relating to the purchase of the Jacobs Creek wine and once again stated
that these bottles of wine were old stock that he had inherited when he'd bought the shop. On
Monday, 14th November 2011 Trading Standards Officer, Lucas Marshall and I visited Georges,
6 Athelstan Road, SO19 4DD. I assisted in the examination and seizure of stock. On Tuesday,
B 15th November 2011, I returned with Lucas Marshall to Georges, 6 Athelstan Road,
Southampton, to check whether a condition on his licence regarding CCTV had been met.
Imam Ekinci stated that there had been problems with the CCTV system for some time and that
it was not working properly: as such he was unable to provide Trading Standards with the last
C 30 days footage. On 20th December 2011 Trading Standards Officer, Lucas Marshall and I
conducted an audio recorded interview with Imam Ekinci in accordance with Pace Code C. The
interview was conducted in the interview room at Trading Standards, 7 Civic Centre Rd,
Southampton.

D Signature

E

F

G

ST1(2)HQ

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r.27.2);

Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B

Statement of: Jodie McCombie
Age of Witness: Over 21 years
Occupation of Witness: Manager,
 Brand Security Pernod Ricard

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

Signed:

Date: 14/10/2011

I am Jodie McCombie, and I hold the appointment of Manager of Brand Security, Pernod Ricard. I have been so employed since 5th May 2009.

I report to the Vice President, Brand Security, Pernod Ricard who is the senior executive in charge of all matters relating to the security of Pernod Ricard's portfolio of brands. I am therefore authorised to speak on behalf of the company in this respect. Headquartered in Paris, France, Pernod Ricard is a leading global producer of premium branded beverages, operating in more than 190 countries and territories. I am based in Pernod Ricard's London office at Chivas House, 72 Chancellors Rd, London, W6 9RS. Pernod Ricard has global ownership and responsibility for all production, marketing and distribution of the Company's beverage alcohol brands.

One wholly owned subsidiary of Pernod Ricard is the Premium Wines Brands Pty Ltd, Australia and their subsidiary Orlando Wines, Australia. One of the range of wines produced by Orlando Wines is Jacob's Creek Wines. One of my

roles and responsibilities is the visual examination of my company's brands, including Jacobs Creek, to establish whether or not it is genuine product.

The mark 'Jacob's Creek' is a UK registered trade mark 1184628 held by Pernod Ricard Pacific Pty Ltd. I produce and identify a true copy of the registration and renewal certificates for Jacob's Creek UK National Trademarks in Class 32 and Class 33, and also EU Class 33 as exhibits JM/1, JM/2 and JM/3 respectively.

In January 2011 my company received a small number of consumer complaints regarding the apparent poor quality of wine in bottles of what appeared to be Jacob's Creek wines that had been purchased from independent retail outlets in the greater London area. Subsequent investigations by my department revealed the wine was counterfeit and that in December an unknown volume of counterfeit Jacob's Creek wines had been offered for sale to retail and wholesale outlets by persons as yet unknown. Analysis of the wine in the counterfeit bottles revealed no evidence of any potentially harmful material. However, the quality of the counterfeit wines is poor and an obvious difference to the genuine exists.

Since that time, and in a process managed by Pernod Ricard Brand Security, Trading Standards offices in the UK have been briefed on the presence of the counterfeit wine and advised on how to identify it during their inspections.

On 11 October 2011 Christine Hill of Southampton Trading Standards Service showed me the following items, which were marked with the Jacob's Creek trade mark:

Evidence seal: 03714102

2 bottles of Semillon Chardonnay

3 bottles of Shiraz

As a result of my examination of the aforementioned bottles I can confirm that they all bear a copy of the Jacob's Creek registered trade mark. A visual

inspection of the products revealed they are inconsistent with products produced by Pernod Ricard. In particular, the labels reveal a series of spelling mistakes. The mistakes include, for example; "www.drinkaware.co.uk" is spelt "www.drinkoware.co.uk"; "Australia" is spelt "Austrlia"; "Responsibly" is spelt "Responsibily". The ROPP ("Roll On Pilfer Proof") closure is also inconsistent with genuine product as evidenced by the fact that the print detail and colour are not the same as the original. The ROPP closure is a tamper evident closure which provides a visual indicator when the closure has been opened as the cap separates from the bottom ring of the closure.

The above information enables me to state categorically that the examined bottles are counterfeit. Pernod Ricard does not authorise the use of the Jacob's Creek trade mark on products that are not genuine, therefore I can confirm that the above product bears the Jacob's Creek trade mark without the consent of the trademark holder.

The impact of counterfeit Jacob's Creek is potentially highly significant. Pernod Ricard invests a significant amount of effort and resources to ensure that all our brands, including our range of Jacob's Creek wines, are of premium quality and offer value to consumers. In addition, significant amounts are invested in promoting these brands, to raise consumer brand awareness and understanding.

Counterfeiting of Jacob's Creek, or indeed any other wine or spirit brand, misleads consumers into purchasing poor quality products which do not meet our high standards or the expectation of the consumer. As the deception is often not obvious to the consumer, their quality perception of the product they have purchased will be attributed to the Jacob's Creek brand which is extremely detrimental to the reputation and brand equity of Jacob's Creek. The counterfeit products also take unfair advantage of the high levels of consumer awareness of the Jacob's Creek brand, which has been built by Pernod Ricard at significant cost.

Signed:

Date: 14/10/2011

TRADE MARKS REGISTRY



REGISTRATION CERTIFICATE

Trade Marks Act 1994 of Great

Britain and Northern Ireland

The mark shown below has been registered under No. 2221250 as of the date 03 February 2000.

JACOB'S CREEK

The mark has been registered in respect of:

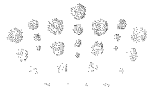
Class 32:

Beers; non-alcoholic beverages.

In the name of Orlando Wyndham Group Pty Ltd
Incorporated in Australia

Sealed this day at my direction

DATE 14 July 2000



**INTELLECTUAL
PROPERTY OFFICE**

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Tel: 0300 316 6100
www.gov.uk

0300 316 6100

Mewburn Ellis LLP
33 Gutter Lane
London
UK
EC2V 8AS

04 January 2010

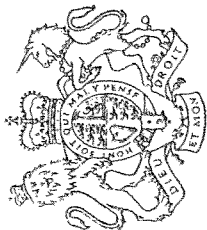
CERTIFICATE OF RENEWAL OF TRADE MARK

Trade Mark Number	:	2221250
in Class(es)	:	32
registered in the name of	:	Pernod Ricard Pacific Pty Ltd
has been renewed until	:	03 February 2020
Your Reference	:	6609291R

IMPORTANT We have shown the first 100 characters of the owner's name as recorded in the Register of Trade Marks. If this is wrong, please fill in and send us a form TM16 if ownership has changed or a form TM21 for other changes.

If you have any queries on this renewal, they should be addressed to the Renewals Section on 01633 814433

2/2



TRADE MARKS ACT, 1938

GREAT BRITAIN AND
NORTHERN IRELAND

Certified a true copy of
the original document

DATA 316 2510

KYLIE THOMAS
A Commissioner for taking Affidavits
in the Supreme Court of South Australia

*167 Fullerton Road, Adelaide
South Australia 5005*

JACQUES CREEK

The Trade Mark shown above has been registered in Part 5 of the Register under Nos 1,154,525 as of the date 1st November 1982
in Class 25 Schedule IV in respect of Tines, spirits (beverages) and liqueurs,

in the name of G. GRUMP & SONS PROPRIETARY LIMITED, Australia (South Australia).

The Trade Marks Registry, Patent Office,
25, Southampton Buildings, London, W.C.2.

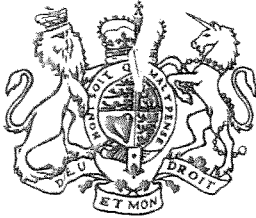
Registration is for 7 years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of 14 years thereafter.
This certificate is not for use in Legal Proceedings or for obtaining Registration abroad.

Sealed at my direction this

6th day of February 1985

IVOR DAVIS CB
REGISTRAR.

NOTE - Upon any change of ownership of this Trade Mark, or change in address, applications should AT ONCE be made to the Registrar to register the change.



TRADE MARKS ACT, 1938

GREAT BRITAIN AND
NORTHERN IRELAND

1233

CERTIFICATE OF RENEWAL

The Trade Mark No. 1184628 in Class 33, registered in the name of
G. GRAMP & SONS PROPRIETARY LIMITED

has been renewed for a period of 14 years from the 3 November 1989

The Trade Marks Registry, The Patent Office,
State House
66-71 High Holborn,
London WC1R 4TP

P.R.S. HARTNACK
REGISTRAR

Certified a true copy of
the original document

KATHARINE 5 6 2010

KYLIE THOMAS
A Commissioner for taking Affidavits
in the Supreme Court of South Australia

*167 Wellington Road, De Winton
SOUTH AUSTRALIA 5065*

TRADE MARKS
REGISTRY



RENEWAL
CERTIFICATE

The Trade Mark No. 1184628 in Class(es) :-

33

registered in the name of Orlando Wyndham Group Pty Ltd
Incorporated in Australia
has been renewed for a period of 10 years from the 3 November 2003
and was advertised as renewed in Trade Mark Journal 6503.

Certified a true copy of
the original document

K. Thomas 30.9.2003

KYLIE THOMAS
A Commissioner for taking Affidavits
in the Supreme Court of South Australia

*167 Fullarton Road Dulwich
South Australia 5005*

Sealed this day at my direction

ALISON BRIMELOW, REGISTRAR

DATE

30 September 2003



Case details for Trade Mark 1184628

Explanation of terms used on this page

Case history including, where available, licensee details

Mark

Mark text: JACOB'S CREEK

Status

Status: Registered

Class: 33

Relevant dates

Filing date: 03 November 1982

Next renewal date: 03 November 2013

Publication in Trade Marks Journal

First advert:

Journal: 5537

Page: 2816

Publication date: 24 October 1984

Renewal:

Journal: 6503

Publication date: 24 October 2003

List of goods or services

Class 33: Wines, spirits (beverages) and liqueurs.

Names and addresses

Proprietor: Pernod Ricard Pacific Pty Ltd
167 Fullarton Road, Dulwich SA 5065, Australia

Incorporated country: United Kingdom

Residence country: United Kingdom

Customer's ref: REW/FG6602510

ADP number: 0841193001

Other cases owned by this proprietor

Agent: Mewburn Ellis LLP
33 Gutter Lane, London, EC2V 8AS

ADP number: 0000109001

Service: Mewburn Ellis LLP
33 Gutter Lane, London, EC2V 8AS

ADP number: 0000109001

Other particulars

Disclaimer: Registration of this mark shall give no right to the exclusive use of the word "Jacob's".

Earlier rights notification

Opted in for notifications

Explanation of terms used on this page

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Trade Mark Details as at 09 June 2010

Case details for Trade Mark 1184628

Historical Event	
Date Actioned:	28 January 2009
Details:	TM33 received L/F 2005195 JNL 6773
Previous Details:	
Agent:	Withers & Rogers LLP Goldings House, 2 Hays Lane, London, SE1 2HW
ADP Number:	0001776001
Service:	D. Young & Co. LLP 120 Holborn, London, EC1N 2DY
ADP Number:	0000059001

Historical Event	
Date Actioned:	20 February 2007
Details:	ADP NUMBER CHANGED BY CLEANUP 00049933

Historical Event	
Date Actioned:	20 February 2007
Details:	ADP NUMBER CHANGED BY CLEANUP 00049933

Historical Event	
Date Actioned:	20 February 2007
Details:	ADP NUMBER CHANGED BY CLEANUP 00049933

Historical Event

Date Actioned: 30 September 2003
Details: Trade Mark Renewed

Historical Event

Date Actioned: 11 August 2003
Details: Renewal Reminder Sent

Historical Event

Date Actioned: 7 April 1993
Details: TM1 RECEIVED 22.03.1993

Historical Event

Date Actioned: 31 March 1993
Details: ADP NUMBER CHANGED BY CLEANUP
00008804

Historical Event

Date Actioned: 31 March 1993
Details: ADP NUMBER CHANGED BY CLEANUP
00008804

Historical Event

Date Actioned: 20 March 1992
Details: Record Correction
Previous Details:
Disclaimer: Disclaimer inserted:
Exclusive use restrictions: addition of a wholly descriptive and non-Trade Mark character.tererons filedthe word JACOB'S

Historical Event	
Date Actioned:	5 April 1991
Details:	Name And Address Change
Previous Details:	
Proprietor:	Pernod Ricard Pacific Pty Ltd 167 Fullarton Road,Dulwich SA 5065,Australia
Residence Country:	United Kingdom
ADP Number:	0841193001

Historical Event	
Date Actioned:	28 March 1991
Details:	Name And Address Change
Previous Details:	
Proprietor:	Pernod Ricard Pacific Pty Ltd 167 Fullarton Road,Dulwich SA 5065,Australia
Residence Country:	United Kingdom
ADP Number:	0841193001

Historical Event	
Date Actioned:	16 October 1989
Details:	Trade Mark Renewed

Historical Event	
Date Actioned:	14 August 1989
Details:	Renewal Reminder Sent

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WORLD INTELLECTUAL
PROPERTY ORGANIZATION

34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva 20 (Switzerland)
WIPO postal cheque account: No. 12-5000-8 Geneva
Int'l Bank Account Number (IBAN): Credit Swiss Bank, Geneva
CH35 0425 1048 7080 8100 0 / Swift Code: CRESCHZZ12A
Tel. (41-22) 338 9111 Fax: (41-22) 733 5428
E-mail: intreg.mail@wipo.int Internet: <http://www.wipo.int>



24 MAR 2006

**Madrid Agreement
and
Madrid Protocol**

By registered mail

Madderns
Level 1,
64 Hindmarsh Square
ADELAIDE SA 5000
Australia

Our reference: 860/331635501

Geneva, 16/03/2006

Re: Statement of Grant of Protection
International registration No. 837572 (JACOB'S CREEK)

Madam,
Sir,

Please find enclosed a statement of grant of protection for the above-mentioned international registration, issued by the Office of European Community, in accordance with Rule 17(6)(a)(i) of the Common Regulations under the Madrid Agreement and the Protocol Relating to that Agreement.

You will also find enclosed a copy of Information Notice No. 23/2000, which concerns such statements.

International Bureau of the World Intellectual
Property Organization (WIPO)



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

Trade Marks Department

W304

Second Statement of Grant of Protection pursuant to Rule 17(6)(a)(iii) of the Common Regulations under the Madrid Agreement and Protocol, and Rule 116(2) of the Regulation implementing the Community Trade Mark Regulation

Alicante, 06/03/2006

<i>International registration number:</i>	0837572
<i>Date of notification to OHIM:</i>	23-12-2004
<i>Name of the Holder:</i>	Orlando Wyndham Group Pty Ltd
<i>Trade Mark:</i>	JACOB'S CREEK

The opposition period has expired without any opposition or observations by third parties being filed and the above-mentioned mark is accepted for protection in the European Community.

Pursuant to Article 146(2) of the Community Trade Mark Regulation and Rule 116(1) of the Regulation implementing the Community Trade Mark Regulation, it shall have the same effect as the registration of a mark as a Community trade mark.

MORALES PAREDES, Juan Antonio
Examiner



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

Dated the *11* day of *JAN* 2012 Signature: _____

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

Dated the _____ day of _____ 2012 Signature:

A My name is Lucas Marshall. I am employed by Southampton City Council as a Trading Standards Officer. On 14 November 2011, at approximately 11.05 am, Fair Trading Officer, Claire Hill and I entered Georges, 6 Athelstan Road, Southampton. I introduced myself to the female behind the counter, who
 B identified herself as Jenny Richardson. She said that the owner of the shop, who she knew as George, was not present. She called him on her phone and said that he would arrive soon. I asked Ms Richardson how long she had worked at Georges. She said that she had been there for 3 weeks. She
 C confirmed that she does sell alcohol. She said that she had been given training by George regarding the sale of alcohol when she started working at the shop, but had not signed any training records. She had not undertaken training to NCPLH standard. She said that she had been shown how to operate the
 D CCTV system, but did not know how to retrieve recordings from it. At approximately 11.12 am George, who I know as Imam Ekinci, arrived. I cautioned him and asked to see Ms Richardson's training records. He showed me the refusals records. Ms Richardson said that she was unaware of the refusals records.
 E I checked the records and found that they had been used infrequently. I took the records, which I produce as Exhibit LM/1. I asked Mr Ekinci again for Ms Richardson's training records. He said that he did not have a training record for her, and confirm that she had not had training to a NCPLH standard.

Signature: _____



INVESTOR IN PEOPLE

PAGE NO: 2 CONTINUATION OF STATEMENT DATED: 11 Jan 2012

BY: LUCAS MARSHALL

- A He confirmed that she does sell alcohol and is left alone, unsupervised, in the shop to do so. I asked Ms Richardson whether she sold alcohol in accordance with a Challenge 25 policy. She said that she did and had been trained regarding this, and appeared to understand the policy. A notice relating to the Challenge 25 policy was displayed behind the counter. I then asked Mr
- B Ekinci regarding his CCTV system. He said that he did not know how to operate it and could not provide a recording from the system for me. He said that his son, Ozgur Ekinci, would be able to. I asked for a recording, for the past 30 days, to be provided to me by the following day, 15 November 2011. I then searched the premises and found 2 x 70 cl bottles of Russian Standard
- C vodka, priced at £9.99 per bottle, which I seized. I produce these bottles as Exhibit LM/2. I subsequently identified one of these bottles as food sample number 012160 and submitted it to the Public Analyst for analysis. I had received intelligence via HMRC that this product is illegal. It can be identified because it is labelled 'Made in the heart of Russia – Berlin' and has a Diageo
- D duty stamp number, despite not being produced by Diageo. It has also been reported to contain dangerously high levels of methanol. Fortunately the bottle I sampled and submitted for analysis was not found to contain high levels of methanol, though the alcohol level was lower than declared, indicating its poor quality. I produce the Certificate of Analysis as Exhibit LM/4. I
- E asked Imam where he got the vodka from. He replied that he did not know. I asked to see his invoices, which he showed to me. A product called Russian Standard was identified in a receipt from Eastleigh Cash and Carry, which I produce as Exhibit LM/3, however I believe that this relates to a genuine, premium product which is also called Russian Standard which Mr Ekinci
- F had a bottle of on his shelves. Eastleigh Cash & Carry's wholesale price for this product was £12.71 and Mr Ekinci's retail price was £16.99. On 15 November, at approximately 14.10 pm, I returned to Georges with Fair Trading Officer, Claire Hill. Jenny Richardson was serving behind the counter. I asked regarding the CCTV system and she told me that George had told her that
- G the system did not work properly. She phoned Mr Ekinci and he arrived at the shop at 14.17 pm.

ST1(2)HQ Signature: .

**NO ID
NO
SALES!**

REFUSALS REGISTER

If a customer fails to produce valid photo-ID which confirms his or her age, the sale should be REFUSED and recorded in this Refusals Register, after the customer has left the premises.

The Register should be kept in a safe place out of sight of the customer.

The sale should be REFUSED if the customer is unable to prove he or she is:

16 or older if the product is LOTTERY.

18 or older if the product is TOBACCO or ALCOHOL or FIREWORK or SOLVENT.

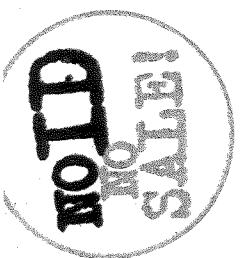
All staff should know where this Refusals Register is kept, and should write an entry whenever an age-related sale is REFUSED.

If staff sell an age-restricted product to under 16s (lottery) or to under 18s (tobacco/alcohol/fireworks/solvents) both manager and staff are liable to conviction and a fine and/or prison.

The manager will sign off and date each page of this register, which will be kept in a safe place away from customers. The Register may need to be produced in the event that local authority enforcement officers undertake test purchases or other enforcement activity, or if the law threatens action against the premises' manager and staff.

AGES VALID FROM 1ST OCTOBER 2007

6/11



REFUSALS REGISTER

Date	Product	Time	Name of Person or Description	OI	Staff Member
16/02/11	Spirits -	13.45	Girls. Look like 19 years. Yellow hair sport-wear		
27/02/11	Spirits	21.05	Boys. Blk hair. 5 to 10 years		
7/3/11	Tobacco	14:40	lad, Steaky, brown hair		
30/3/11	Alcohol	10.45	college boy Dart hair	NO ID but says he has since some sale.	
18/4/11	Alcohol + Cigarette	9.45	Young girl yellow glasses blonde hair	NO I.D	

54
55
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MANAGER'S SIGNATURE _____ DATE: _____



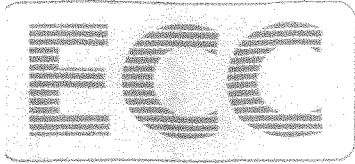
REFUSALS REGISTER

Date	Product	Time	Name of Person or Description	Observations	Staff Member
Example: 23/05/07	Cigarettes	7.10pm	Male 14 years? Blonde, 5ft 11"	Nervous and refusing to show ID	Alan Smith
28-01-2011	Cigarettes	9.44	male 16. years in hof. Camp. Hori.		
25-02-11	Alcohol	9.15	Boy. 17. years white club sports team		
14-11-11	TRADING	STANDARDS		UNPTON	

1 2 3 4 5 6 7 8

MANAGER'S SIGNATURE _____

DATE: _____



EASTLEIGH CASH AND CARRY LTD.

6a Barton Park Industrial Estate, Chickenhall Lane

Eastleigh SO50 6RR

Telephone: 02380 612224 Fax: 02380 612224

/A.T. No. 938 8939 47

*Specialist Suppliers of Soft Drinks, Beers, Wines
Spirits and Confectionery*

Page 1

Customer
 GEORGES OFF LICENCE
 6 ATHRESTAN ROAD
 SOUTHAMPTONSO19 4DD

Date 20/08/11
 Invoice No. 2063

GOODS WITHOUT ENGLISH INGREDIENTS SHOULD BE LABELLED ACCORDINGLY BEFORE SALE.

Qty.	Description	Price	Nett	VAT	Total
2	RUSSIAN STANDARD 70CL	10.59	21.18	4.24	25.42
1	GUINNESS FOREIGN EXTRA 24X330ML	19.99	19.99	4.00	23.99
1	SCRUMPY JACK CIDER	16.49	16.49	3.30	19.79
1	BLACK SHEEP NRB 8*500ML	9.99	9.99	2.00	11.99
1	KOPPARBERG NRB 15*500ML	17.99	17.99	3.60	21.59
1	CRUNK JUICE 12X1PNT FRUIT PUNCH	39.99	39.99	8.00	47.99
1	CRUNK JUICE 12X1PNT WATERMELON	39.99	39.99	8.00	47.99
1	GUINNESS ORIGINAL 24*500ML	10.99	10.99	2.20	13.19
No. of Items:		9 Item(s)			

PAID

ALL GOODS RECEIVED IN GOOD CONDITION: Signed Print Date

<p><i>Thank you for your valued custom</i></p>	VAT 1 Sales	176.61	NET TOTAL	176.61
			020.00%	35.32
			TOTAL	211.93



LM/4

FOOD SAFETY ACT 1990

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

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

I, the undersigned, Public Analyst for Southampton City Council, certify that on 14/11/2011 the sample marked:

<u>Date sample taken</u>	<u>Reference number, description etc.</u>	<u>Weight/measure</u>
14/11/2011	012160	700ml
11:17	RUSSIAN STANDARD VODKA 37.5%	

Place of Sampling: GEORGES, 6 ATHELSTAN ROAD, 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	:	34.7
Methanol g/100L alc	:	< 0.10

My opinion and observations are:-

The declared alcoholic strength was 37.5 % volume.

The uncertainty of measurement is 0.4% alcohol by volume.

The difference between the amount of alcohol found and the amount declared taking into account the uncertainty of measurement was 2.4% 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 2.1% volume less than the minimum permitted.

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

The duty stamp on the sample bottle 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 28th day of November 2011, at Southsea

Signature: _____

Name: SHAYNE DYER
PUBLIC ANALYST

Official address/Telephone No: As Letterhead

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

RECEIVED 02 DEC 2011



Hampshire Constabulary

Chief Constable Alex Marshall

Mr Ozgar Ekinici
27 St Catherines Road
Southampton
Hampshire
SO18 1LL

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

Our ref: 44090025965
Your ref:

Telephone: 0845 045 45 45

Direct dial: 023 8067 4768

Fax No: 0845660037

Deaf/speech impaired minicom: 01962 875000

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

30th January 2012

Dear Mr Ekinici,

This letter is in reference to a licensing visit made at George's Off Licence, 6 Athelstan Road, Southampton on 30th January 2012. During the visit numerous breaches of your licence were identified. As you were not present it was not possible to discuss these with you at the time. I have outlined the breaches below and request that you make contact with the Licensing Team at your earliest convenience in order to discuss these.

1. A copy of the premises licence summary was not on display. This is an offence under S57(4) of the Licensing Act 2003.
2. There was one member of staff present at the store, Jennifer Richardson. Jennifer has not been trained to NCPLH standard and does not hold a personal licence but was alone in the store. This is a clear breach of the condition within your licence which reads "All staff will be trained to NCPLH 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".
3. The refusals log contains very few entries, dating from 19th November 2011 to 2nd January 2012. There had been no refusals either made, or logged, since that date, nearly a month ago. There was no record of the log having been checked during this time. The licence condition states "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 this person will sign and date the record as evidence that they have checked it". This has not been completed and is therefore a breach of the licence condition.
4. On visiting the premises I requested to view CCTV. I was advised by the only member of staff present that she had not been trained in using the CCTV system and was unable to show me footage. This is again a breach of the condition on your licence in relation to CCTV, which states that CCTV should be surrendered "immediately" on request, and that "the Premises Licence Holder and staff must be capable of operating the CCTV system".



Hampshire Constabulary Chief Constable Alex Marshall

These breaches of your licence are serious and I will be informing other relevant authorities. It is especially concerning that even following review of the licence in 2011 breaches are still occurring.

Southampton Police are firmly committed to working with the licensees in supporting the four licensing objectives i.e. –

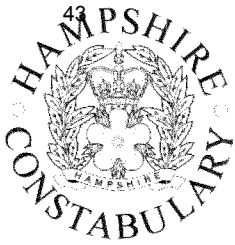
- The prevention of crime & disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The conditions added to your licence following review are designed to assist you in supporting these objectives. Failure to adhere to the licence conditions therefore suggests that you are not fully supporting the objectives.

Please contact me to discuss these breaches as soon as possible.

Yours Sincerely,

PC 24191 WOOD
Violent Crime Reduction & Licensing Team
Southampton Central Police Station



Hampshire Constabulary
Chief Constable Alex Marshall

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

Southampton Central Police Station
Southern Road
Southampton
Hampshire
SO15 1AN

Telephone: 0845 045 45 45

Direct dial: (

Fax No:

Deaf/speech impaired minicom: 01962 875000

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

20th February 2012

Dear Sir,

On behalf of Hampshire Constabulary, I submit the following review document in support of the recent application made by Trading Standards in relation to Georges Off Licence, 6 Athelstan Road, Southampton.

As a licensee under the Licensing Act 2003 the Premises Licence Holder and Designated Premises Supervisor have a duty to promote the four licensing objectives which are-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance and
- The protection of children from harm

Hampshire Constabulary believes that in breaching several conditions of the premises licence they have failed to promote the licensing objectives of prevention of crime and disorder, public safety, and the protection of children from harm. As a result I submit this supporting application. I enclose the evidence for your records.

Yours faithfully,

PC 24191 WOOD
Violent Crime & Licensing Department
Southampton Central Police Station





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:	Georges, 6 Athelstan Road, Southampton
Postcode <i>(if known)</i> :	SO19 4DD

Name of premises licence holder or club holding club premises certificate <i>(if known)</i>	Ozgur Ekinici
---	---------------

Number of premises licence or club premises certificate <i>(if known)</i>	2011/00333/01SRAP
---	-------------------

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	Police Constable
Surname: Wood	First Names: Bethan
Current postal address :	Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380 674768
E-mail address: <i>(optional)</i>	bethan.wood@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

2.
 2011



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:

On behalf of the Chief Officer of Police I am writing to support a review made by Trading Standards of the above Premises Licence. The review is supported on the following grounds:

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

The police support the application made by trading standards to revoke the above premises licence (Annex D) based on a recent visit to the premises during which numerous breaches of the premises licence have been identified.

The police are aware that following review of the premises licence in March 2011 due to identification of counterfeit and non uk duty paid alcohol being served, conditions were added to the licence in order to ensure that the same incidents did not occur again, and to assist the DPS in supporting the licensing objectives. In a visit made to the premises on 30th January 2012 although the DPS was not present it was found that there were numerous breaches of the licence (Annex A). As a direct result of there being breaches of the premises licence conditions it is deemed that every sale of alcohol taking place at the premises is unauthorised. Each one of these breaches also constitutes a lack of support of the licensing objectives as outlined below:

- 1. The only member of staff at the store was not trained to NCPLH level and did not hold a personal licence. Although no sale of alcohol was witnessed, the member of staff present was fully expecting to be able to make sales of alcohol and was not aware that she should not be making those sales.

Conducting appropriate staff training, especially in due diligence, is an excellent and effective way of ensuring that underage sales aren't made, that drunkenness is recognised and sales consequently refused, and that staff are aware of the Licensing Act 2003 and how this affects them.



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

Ensuring adequate training, and having an age verification policy in place in order to prevent sales of alcohol to under age persons supports the licensing objectives of prevention of crime and disorder, and protection of children from harm.

2. The refusals log was not being used regularly and had not been checked by the premises licence holder or designated premises supervisor. This is contrary to the condition which states that "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 this person will sign and date the record as evidence that they have checked it".

Recording refusals provides evidence to both licensing authorities and management that they do occur. In this instance the DPS had an unqualified member of staff, working unsupervised. The earliest entry available to view in the refusals book was dated 19th November and there was no record of the DPS having checked the book at all since then.

3. The only member of staff present at the premises had not received training to operate the CCTV system and could not provide any footage on request. This is again contrary to the condition on the premises licence which states that CCTV should be surrendered "immediately" on request, and that "the Premises Licence Holder and staff must be capable of operating the CCTV system".

CCTV forms a key part of any criminal police investigation. Failure to adhere to the condition in relation to CCTV demonstrates a lack of support for the licensing objective of prevention of crime and disorder.

Further to the above breaches it was also noted that the premises licence summary was not on display, which is an offence contrary to S57(4) of Licensing Act 2003. A copy of the premises licence can be located at Annex B and a copy of the letter sent at Annex A.

Although there have been no incidents specifically linked to George's Off Licence, the need to support the licensing objectives and adhere to conditions of a licence does not alter. These matters were brought to the attention of the DPS, Ozgar Ekinici via letter sent on the day of the visit (Annex A). Contact details were left at the premises at the time of the visit, and it was requested that he make contact to discuss these matters as soon as possible. Further telephone messages have also been left for him, and two weeks later there has been no response.

In conclusion, there have been numerous breaches of the premises licence conditions, and as a result, any sale of alcohol made whilst the breaches were occurring will have been unauthorised. Therefore, the police fully support the application made by Trading Standards and would concur that with the evidence set out, this should be with a view to revocation.

Have you made an applica-

tion before: Yes | No



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

If yes please state the date of that application: / / Day Month Year

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

APPLICATION MADE BY TRADING STANDARDS MARCH 2011

Please tick

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application

Signature of Officer Completing

Name PC Bethan WOOD Collar Number: 24191
Signature: _____ Date: 13th February 2012

Signature of Authorising Officer (Inspector or above)

Name John McGonigle Collar Number: 1399
Signature: _____ Date: 20/02/12

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Annex E

1. Extract from 2004 Offending, Crime and Justice Survey

Annex A

1. Letter to Designated Premises Supervisor



Hampshire Constabulary
Chief Constable Alex Marshall

Mr Ozgar Ekinici
27 St Catherines Road
Southampton
Hampshire
SO18 1LL

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

Our ref: 44090025965

Your ref:

Deaf/speech impair

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

30th January 2012

Dear Mr Ekinici,

This letter is in reference to a licensing visit made at George’s Off Licence, 6 Athelstan Road, Southampton on 30th January 2012. During the visit numerous breaches of your licence were identified. As you were not present it was not possible to discuss these with you at the time. I have outlined the breaches below and request that you make contact with the Licensing Team at your earliest convenience in order to discuss these.

1. A copy of the premises licence summary was not on display. This is an offence under S57(4) of the Licensing Act 2003.
2. There was one member of staff present at the store, Jennifer Richardson. Jennifer has not been trained to NCPLH standard and does not hold a personal licence but was alone in the store. This is a clear breach of the condition within your licence which reads “All staff will be trained to NCPLH 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”.
3. The refusals log contains very few entries, dating from 19th November 2011 to 2nd January 2012. There had been no refusals either made, or logged, since that date, nearly a month ago. There was no record of the log having been checked during this time. The licence condition states “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 this person will sign and date the record as evidence that they have checked it”. This has not been completed and is therefore a breach of the licence condition.
4. On visiting the premises I requested to view CCTV. I was advised by the only member of staff present that she had not been trained in using the CCTV system and was unable to show me footage. This is again a breach of the condition on your licence in relation to CCTV, which states that CCTV should be surrendered “immediately” on request, and that “the Premises Licence Holder and staff must be capable of operating the CCTV system”.



Hampshire Constabulary
Chief Constable Alex Marshall

These breaches of your licence are serious and I will be informing other relevant authorities. It is especially concerning that even following review of the licence in 2011 breaches are still occurring.

Southampton Police are firmly committed to working with the licensees in supporting the four licensing objectives i.e. –

- The prevention of crime & disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The conditions added to your licence following review are designed to assist you in supporting these objectives. Failure to adhere to the licence conditions therefore suggests that you are not fully supporting the objectives.

Please contact me to discuss these breaches as soon as possible.

Yours Sincerely,

PC 24191 WOOD
Violent Crime Reduction & Licensing Team
Southampton Central Police Station

Annex B

1. Premises Licence – George’s Off Licence



**Schedule 12
Part A
Premises Licence**

Regulation 33,34

Premises licence number	2011/00333/01SRAP
--------------------------------	-------------------

Part 1 – Premises details

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

George's
6 Athelstan Road
Bitterne
Southampton
SO19 4DD

Telephone number	023 8063 1913
-------------------------	---------------

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	11:00 - 21:30
Tuesday	11:00 - 21:30
Wednesday	11:00 - 21:30
Thursday	11:00 - 21:30
Friday	11:00 - 22:00
Saturday	11:00 - 22:00
Sunday	12:00 - 21:30

The opening hours of the premises
--

Monday	11:00 - 21:30
Tuesday	11:00 - 21:30
Wednesday	11:00 - 21:30
Thursday	11:00 - 21:30
Friday	11:00 - 22:00
Saturday	11:00 - 22:00
Sunday	12:00 - 21:30

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

Ozgar Ekinci
27 St Catherines Road
Southampton
Hampshire
SO18 1LL

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

Ozgar Ekinci
27 St Catherines Road
Southampton
SO18 1LL

Daytime Telephone Number 023 8063 1913

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: 008029
Licensing Authority: Havering Council

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

Dated this 25th day of May 2011

Head of Legal & Democratic Services

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

Annex 1 – Mandatory Conditions

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

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

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

2 (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.

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

Annex 2 – Conditions consistent with the operating Schedule

1 EMBEDDED CONDITIONS FROM CHILDREN AND YOUNG PERSONS ACT 1933

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

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

1 The Premises Licence Holder must be able to identify who supplied alcohol present at the premises and supply written details (including name, address, and telephone number of supplier and date of supply/price paid) to an authorised officer within 24 hours of receiving a request to do so. Delivery notes, invoices, receipts and similar records should be retained for a minimum period of 24 months and made available on request to an authorised officer.

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.

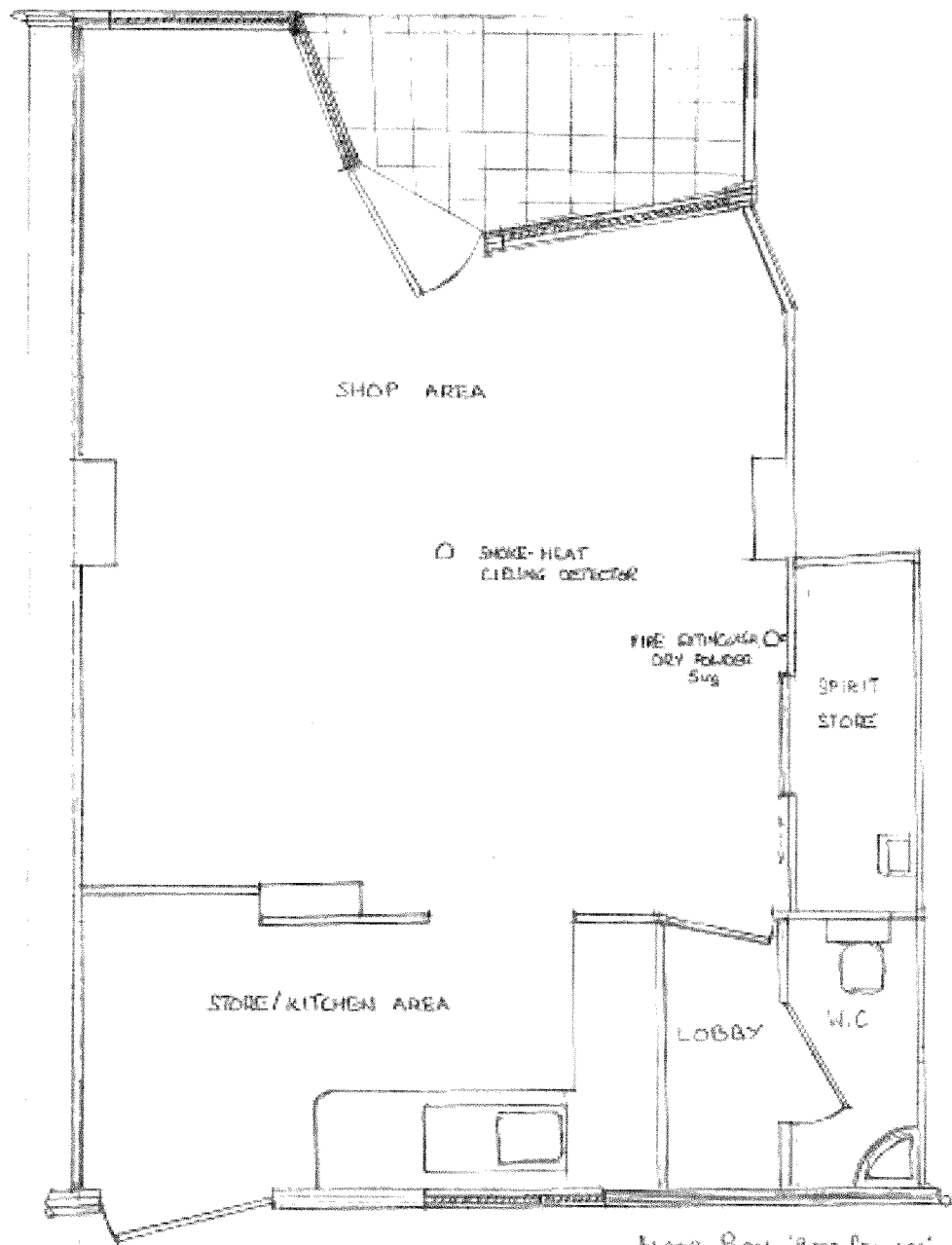
That staff must be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18 and records are kept of such training, which are signed and dated by the member of staff who has received the training. Staff will receive refresher training every six months as 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.

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.

Annex 4 – Plan



FLOOR PLAN 'BEST CELLARS'
OFF LICENCE 6, ADELPHIN RD
BITTERNE SOUTHAMPTON.
SCALE 1:33 1/2

Plan not reproduced to scale.

Annex C

1. Statement of PC 24191 WOOD

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

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

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

Signature: (witness) Date: 17th February 2011

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

I am PC 24191 Bethan Wood of Hampshire Constabulary currently stationed with the Licensing Team at Southampton Central Police Station. This statement is in relation to my attendance at GEORGE'S OFF-LICENCE, 6 ATHELSTAN ROAD, SOUTHAMPTON and my subsequent contact with the premises.

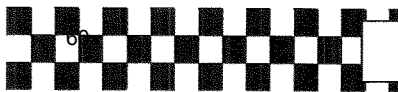
On 30th January 2012 at 1400hrs I attended GEORGE'S OFF-LICENCE to conduct a licensing visit. On returning to the police station I wrote a letter to the Designated Premises Supervisor Ozgar EKINCI detailing my findings. I produce a copy of this letter as evidence bearing exhibit reference BW/OE/01. The letter requests that Mr EKINCI contacts me as soon as possible to discuss the findings.

Following this meeting I have left three voicemail messages for Mr EKINCI on his mobile number which is listed on Hampshire Constabulary Records Management System as 07590118077. Also shown on the records is a crime reported by Mr EKINCI using this telephone number on the 15th February 2012.

I can confirm that I have had no contact from Mr EKINCI in order to discuss the licensed premises.

Sign

2010/11



Not Disclosable

Witness contact details

Home Address: **Southampton Central Police Station**

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

Signature of witness

PRINT NAME PC 24191 WOOD

Signature of parent
appropriate adult:

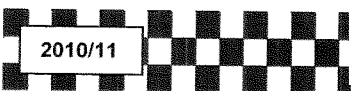
PRINT NAME

Address and telephone
number if different from above:

Statement taken by:

Station:

Time and place statement
taken:



Annex D

1. Trading Standards Review Letter
2. Review Summary
3. Statement Elizabeth Hill
4. Statement Jodie McCombie
5. Copy of exhibit JM/1
6. Copy of Exhibit JM/2
7. Copy of Exhibit JM/3
8. Statement Lucas Marshall
9. Copy of Exhibit LM/1
10. Copy of Exhibit LM/3
11. Copy of Exhibit LM/4
12. CD-R Exhibit LM/5
13. CD-R Exhibit CEG/3



Hampshire Constabulary

Chief Constable Alex Marshall QPM

Southampton Central
Police Station
Southern Road
Southampton
Hampshire

SO15 1AN

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

Telephone: 101

Email: betha@

Our ref: 44120078523

Your ref:

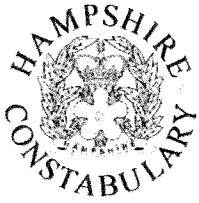
February 29, 2012

Dear Sir,

Hampshire Constabulary recently made representations in support of a request made by Trading Standards to review the premises licence for George's Off-Licence, 6 Athelstan Road. Since the time of the original representation further incidents have occurred at the premises and it is requested that these be considered at the review hearing.

On Saturday 25th February 2012 a test purchase operation was conducted at the premises. During this operation a police officer witnessed the shop assistant selling alcohol to a male who was drunk. This demonstrates a lack of support for the licensing objectives of public safety, prevention of crime and disorder, and prevention of public nuisance. The officer took action to prevent the test purchaser meeting the drunk male at the till area, fearing for their safety. When the test purchaser did approach the till they were asked for identification and then refused the sale. However, a short while later, a second test purchaser entered the store. This time they were sold a bottle of Bacardi Breezer. This offence shows further lack of support of the licensing objectives and also breaches of the premises licence conditions. The shop assistant was issued with a fixed penalty notice in relation to this. The refusals log was checked at the time, and I can confirm that there had been only one entry made since the time of my last visit on 30th January 2012. No record had been made of the refusal observed by the initial attending officer.

Further to the above, part B of the premises licence was not on display at the premises, and the shop assistant, who was the only person working at the premises could not operate the CCTV system in order to produce footage of the incident. Police were advised by the assistant that the DPS does not work at the premises as he works at another premises in St Catherines Road, Southampton. These continued breaches of the premises licence, and information that the DPS is not in day to day control of the premises cause police to have serious doubt over the premises support of the licensing objectives. This adds further weight to the request of Trading Standards that the review of the licence be with a view to revocation of the premises licence.



Hampshire Constabulary

Chief Constable Alex Marshall QPM

I attach for your information copies of the statements in relation to these incidents. Unfortunately I have been advised by the DPS on speaking to him on the telephone on 29th February, that they are unable to download any CCTV footage to disc, constituting a further breach of the premises licence.

Yours Sincerely

Bethan Wood
PC 24191

WITNESS STATEMENT

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

URN

Statement of: Constable 3855 S BLANDFORD

Age if under 18: Over 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.

Signature:

..... (witness) Date: 25/02/2012

I am PC 3855 Stephen Blandford of the Hampshire Constabulary currently based at Portswood Police Station.

On Saturday the 25th of February 2012 I was on duty in plain cloths as part of a Licenseing test purchase operation conducted in Southampton at licensed premises ion company with PC 20920 Prior, PC 24191 Wood, PC 23504 Hercock and SC 94449 Hoolahan.

At 22.10hrs I attended Georges off license on Athelstan Road in Bitterne my role was to ensure the safety of the 17 year old female who was to attempt to purchase alcohol and to observe any offences for the purpose of gathering evidence in relation to these offences.

I entered the store a short time before the female test purchaser entered, the store is small it was not at all difficult for me to both see and hear the exchanges between the female test purchaser and the store employee. I saw the female test purchaser enter the store, go to the counter and speak to the employee who was behind the till. The female test purchaser had a 70cl bottle of orange Bacardi Breezer, the store employee made no attempt to challenge the female test purchaser about her age and completed the sale of the product to the test purchaser receiving money as payment and allowing the female test purchaser to exit the store with the alcohol. The only verbal exchange made between the employee and the female test purchaser was "Would you like a bag" to which the reply came "yes please"

The female test purchaser left the store, where I remained and a short time later PC Wood and PC Prior entered. I spoke with both officers and pointed out to them the employee who had sold the alcohol to the female test purchaser.

The store employee was old I would say he was around 60 years of age, he was white and appeared to be of eastern European origin, he was shorted than me about 5'8" in height with a slightly bigger than proportionate build, the male wore a dark jacket with a lighter coloured scarf round his neck and I did not see any other employee in the store.

Signa

Signature witnessed by:



WITNESS STATEMENT

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

URN

Statement of: Constable 23504 K HERCOCK

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

Occupation: Police Officer

1This 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:..... (witness) Date: 28/02/2012

I am PC 23504 Kevin Hercock, of Hampshire Constabulary currently based at Winchester Police Station in Hampshire.

On Saturday 25th February 2012, I was on duty in plain clothes working on a Test Purchase operation in the Southampton area.

At 1800hours I attended a briefing at Southampton Police Station, with PC Blandford, PC Prior, PC Wood and SC Hoolahan. Also at the briefing were two members of the public that had been chosen to assist as the test purchasers, these were identified to me as a 16YO boy and a 17YO girl. I would describe both as looking younger than 18.

At 2200hours, I attended Georges Off Licence, Athlestone Road, Bitterne, Southampton. The store is a small off licence near to Bitterne train station. As I approached the shop there was a white adult male in front of me. The male was unsteady on his feet. Once in the shop the male was stumbling around and bumped in to me on at least two occasions. The male smelt of alcohol, on his clothing and from his breath. The males pupils were dilated. The male entered into a brief conversation with me and his speech was slurred.

The male was in my opinion drunk, this caused me concern as I was aware a test purchaser was about to enter the shop, so I moved around the shop to ensure that they did not meet at the till. I was expecting the adult male to be refused because he was drunk and that he may have become aggressive.

The male however was served, with a four pack of pint sized lager cans and a quarter bottle of vodka.

The test purchaser was refused as he did not have identification.

I then left the shop and I had no further dealings with this investigation.

Signature:..... Signature witnessed by:

WITNESS STATEMENT

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

URN

Statement of: Constable 24191 B WOOD

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

Occupation: Police Officer

I 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 found to be false, I shall be liable to prosecution if I have wilfully stated in it anything which I do not believe to be true.

Signature

..... (witness) Date: 29/02/2012

I am PC 24191 Bethan Wood of Hampshire Constabulary currently stationed with the Licensing Team at Southampton Central Police Station. I am making this statement in relation to a test purchase operation conducted on Saturday 25th February 2012.

The two test purchasers on this date were aged 16 and 17 years old, and I was in company with PC 20920 PRIOR throughout the operation.

Section 149 and 153 of the Licensing Act 2003 allows for the test purchaser to buy alcohol without committing an offence and for us to direct them to buy alcohol without an offence being committed.

The operation involved three plain clothes officers, PC 23504 HERCOCK, PC 3855 BLANDFORD and SC 94449 HOOLAHAN. Their role in the operation was to monitor the test purchaser at all times, to ensure their safety and give evidence in relation to any offences committed.

At around 2200hrs I directed PC HERCOCK and one of the test purchasers into George's Off Licence, 6 Athelstan Road, Southampton. It was suggested that PC HERCOCK browse in the store and observe whilst the test purchaser attempt to purchase alcohol. About ten minutes later the test purchaser returned to our location in company with SC HOOLAHAN. At that stage PC PRIOR received a phone call from PC HERCOCK advising that he had witnessed the male attendant sell alcohol to a male who was drunk. He advised that he felt the test purchaser was refused the sale owing to the behaviour of the male in the store, and recommended that the second test purchaser attend.

At 2210hrs PC BLANDFORD and the second test purchaser attended the premises. A short while later the test purchaser and PC HERCOCK returned to our location with a bottle of Orange Bacardi Breezer which had been sold.

PC PRIOR and myself attended the store and spoke with the store attendant who identified himself as Imam EKINCI (01/04/62). I explained that he had just failed a test purchase operation and at 2235hrs reported the male for the offence of selling alcohol to a person under the age of 18 yrs contrary to S146(1) Licensing Act 2003, and cautioned him, to which he made no reply. EKINCI accepted a fixed penalty notice in relation to the matter (20279620).

I then asked EKINCI if he could produce a copy of CCTV for me. He advised that he was unable to do this.

Whilst at the premises I could not see a copy of Part B of the premises licence on display, and observed that there had been only one entry in the refusals log since my last visit on 30th January 2012. There was no entry in the refusals log for the first test purchaser who was refused service.

Signa

..... Signature witnessed by: