

Licensing (Licensing and Gambling) Sub-Committee

Thursday, 19th December, 2013
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic
Centre

This meeting is open to the public

Members

Councillor Mrs Blatchford
Councillor Lewzey
Councillor Whitbread

Contacts

Democratic Support Officer
Karen Wardle
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PUBLIC INFORMATION

Terms of Reference

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act, 2003 and Gambling Act 2005, including:-

- Personal licences for the sale of liquor Licensing Act 2003;
- Premises licences, various permits, variations and reviews (Licensing Act 2003 and Gambling Act 2005);
- Club certificates, variations and reviews Licensing Act 2003;
- Registration and deregistration of designated premises supervisors Licensing Act 2003;
- Determination of police objections to temporary event notices Licensing Act 2003

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest.

When dealing with Licensing Act matters the Sub-Committee can only take into account the following statutory Licensing Objectives:-

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

Likewise, when dealing with Gambling Act matters the Sub Committee can only take into account the statutory Licensing Objectives below:-

- Preventing gambling being a source of crime
- That gambling is conducted in a fair and open way
- To protect children and other vulnerable children from harm

Smoking policy

The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones –

Please turn off your mobile telephone whilst in the meeting.

Southampton City Council's Priorities:

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

Fire Procedure –

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access –

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Potential Meetings Municipal Year 2013/14

2013	5TH DECEMBER
13TH JUNE	19TH DECEMBER
27TH JUNE	2014
11TH JULY	16TH JANUARY
25TH JULY	30TH JANUARY
8TH AUGUST	13TH FEBRUARY
22ND AUGUST	27TH FEBRUARY
5TH SEPTEMBER	13TH MARCH
19TH SEPTEMBER	27TH MARCH
3RD OCTOBER	10TH APRIL
17TH OCTOBER	24TH APRIL
7TH NOVEMBER	8TH MAY
21ST NOVEMBER	15TH MAY

CONDUCT OF MEETING

Terms of Reference

The terms of reference are contained in the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum 3

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Personal Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PERSONAL INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's website.

1 ELECTION OF CHAIR

To appoint a Chair for the purposes of this meeting.

2 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

3 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meetings held on 14th November and 21st November 2013 and to deal with any matters arising, attached.

6 EXCLUSION OF THE PRESS AND PUBLIC

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

7 APPLICATION FOR REVIEW OF PREMISES LICENCE - TESCO EXPRESS, LORDSWOOD ROAD, SOUTHAMPTON SO16 6LN

Report of the Head of Legal and Democratic Services, detailing an application for a review of the premises licence in respect of Tesco Express, Lordswood Road, Southampton SO16 6LN, attached.

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Agenda Item 5

Minutes of the Previous Meetings:-

Appendix 1 – 14th November 2013

Appendix 2 – 21st November 2013

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 14 NOVEMBER 2013

Present: Councillors Cunio, Parnell and Thomas

40. **ELECTION OF CHAIR**

RESOLVED that Councillor Cunio be elected as Chair for the purposes of this meeting.

41. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 31 October 2013 be approved and signed as a correct record.

42. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a predetermined point whilst the Sub-Committee reach its decisions.

43. **APPLICATION FOR A PREMISES LICENCE - ROXX, TRIAD HOUSE, LOWER BANISTER STREET, SOUTHAMPTON SO15 2EH**

The Sub-Committee considered the application for a premises licence in respect of RoXX, Triad House, Lower Banister Street, Southampton SO15 2EH. (Copy of report circulated with the agenda and appended to the signed minutes)

It was noted at the meeting that page 93 of the report was missing, which was a letter of objection from Mrs H Parker and Mr M Parker. The letter had been received within the deadline for receipt of representations and the report listed Mr and Mrs Parker as having made a representation on page 3. A copy of the letter was given to all parties present and the meeting.

Mr Morris (Solicitor), Mr Homer (Applicant) and Mrs Barter (local resident) were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act (Hearings) Regulations 2005.

RESOLVED that the application for a premises licence be granted, subject to amendments made by the applicant and conditions agreed with the police set out in the report.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision:-

All parties will receive written confirmation of the decision and reasons.

The Sub-Committee considered very carefully the application for a premises licence at RoXX, Triad House, Lower Banister Street. It has given due regard to the Licensing

Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy in particular the Cumulative Impact Policy.

The Sub Committee considered representations, both written and given orally today, by all parties. Human rights legislation has been borne in mind whilst making the decision.

Legal advice was accepted by the Sub-Committee in relation to the Cumulative Impact Policy. It was noted that the premises is located within the boundary of a previously identified stress area, and is subject to the provisions of the formally adopted Cumulative Impact Policy "CIP" (adopted 13 May 2009, confirmed upon review 17 November 2010) that applies to that area.

The Committee noted in particular that:-

- one effect of the CIP is that a *rebuttable presumption* applies to applications for premises licences.
- The *rebuttable presumption* is that such applications shall ordinarily be refused
- Licensing Policy CIP2 16.9 provides that the onus is upon applicants to demonstrate through their Operating Schedule and where appropriate supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced

REASONS

The Sub-Committee has considered very carefully all of the evidence.

The Sub-Committee focused its consideration upon whether, in light of the policy, the proposed licence would, on the balance of probabilities, *not* add to the cumulative impact already being experienced in the area.

The Sub-Committee noted that the application had initially sought to extend the licensable activities at the premises, however, has subsequently been amended to reduce the hours applied for and licensable activities to those consistent with the existing premises licence. As a result, the application, whilst technically creating a new licence at the premises, in practical terms merely produced the effect of the existing premises licence. Accordingly, the Sub-Committee was satisfied that the application, on the balance of probabilities, would not lead to an increase in the issues already experienced within the stress area.

Having applied the stress policy in this way the Sub-Committee continued to consider the application as it would any other. In light of the majority of representations relating to the initially proposed additional hours and the impact relating thereto the Sub-Committee was not satisfied that the balance of evidence warranted a refusal in this instance.

The Sub-Committee was impressed by the applicant including his experience and cooperation shown in part, by the adoption of conditions put forward by the police.

The Sub-Committee accepted the practical benefits arising from the creation of an additional licence and did not accept that the mere creation of a licence itself (without creating additional licensable activities or increasing opening hours) would cause any addition to the stress experienced.

There is a right of appeal to the Magistrates' Court. The formal notice of the decision will set out that right.

44. **APPLICATION TO VARY A PREMISES LICENCE - INFERNO, 16 BEVOIS VALLEY ROAD, BEVOIS VALLEY, SOUTHAMPTON SO14 0JP**

The Sub-Committee noted that the application to vary a premises licence – DPS Variation in respect of Inferno, 16 Bevois Valley Road, Bevois Valley, Southampton SO14 0JP had been withdrawn.

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SOUTHAMPTON CITY COUNCIL
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 21 NOVEMBER 2013

Present: Councillors Parnell, Pope and Thomas

Apologies: Councillor Cunio

45. **ELECTION OF CHAIR**

RESOLVED that Councillor Parnell be elected as Chair for the purposes of this meeting.

46. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Sub-Committee noted the apologies of Councillor Cunio and that Councillor Pope was in attendance as a nominated substitute in accordance with Procedure Rule 4.3.

47. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 7 November 2013 be approved and signed as a correct record.

48. **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a predetermined point whilst the Sub-Committee reach its decisions

49. **APPLICATION FOR REVIEW OF PREMISES LICENCE - VOODOO LOUNGE, VINCENTS WALK, SOUTHAMPTON SO14 1JY**

The Sub-Committee considered the application for a review of premises licence in respect of Voodoo Lounge, Vincents Walk, Southampton SO14 1JY.

PS Wood, PC Harris (Hampshire Constabulary), Mr Wood (Premises Licence Holder – Voodoo Lounge) and Ms Ferra (Trade Inn Licences Consultants on behalf of Voodoo Lounge) were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act (Hearings) Regulations 2005.

RESOLVED that the premises licence be amended to include the revised condition relating to an ID scanner at the premises and an amended condition relating to the club nanny / floor walker.

After private deliberation the Sub-Committee reconvened and the Chair read the following decision:-

All parties will receive formal written confirmation of the decision and reasons.

The Sub-Committee has considered very carefully the application for review of the premises licence at Voodoo Lounge, Vincents Walk by Hampshire Constabulary. It has

given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights Legislation has been borne in mind whilst making this decision.

All the evidence presented both written and given orally today, has been carefully considered and taken into account, including the additional information submitted today.

The Sub-Committee determined that the premises licence shall be amended to include the revised condition relating to an ID scanner at the premises, as set out in the report and as amended, in part, as follows:

The provision, maintenance and use of "ID scan" / "Visitor" equipment or other such equipment previously approved by the Police in writing, to scan all customers identification upon entry to the premises at all times during licensable activities.

In all circumstances of a breakdown or fault in the system the police must be notified immediately and the fault rectified within 48 hours or a replacement would need to be installed / loaned in its place. The police may approve an extension to these timescales, where they may consider appropriate.

And further to the amendment of the condition relating to the club nanny / floor walker:

After "anyone suspected of consuming excess amounts of alcohol will be taken to a welfare / first aid room" the following shall be added;

The welfare / first aid room shall be a room to be identified upon a plan produced to the police and licensing authority and shall be open for inspection, by the police or licensing authority during hours licensable activities are taking place.

REASONS

The Sub-Committee considered carefully all the evidence and the options available in accordance with Section 52. It considered carefully whether it ought to revoke the licence as requested by the police in this instance. In light of the seriousness of the breaches of licence conditions and the length of those breaches, as well as an apparent lack of training, and breach of conditions on the night of the particular incident referenced in the police evidence, the Sub-Committee very seriously considered the option. However, due to the adoption of an alternative system, which now meets the police requirements, along with improved training and the medic provision at the premises, the Sub-Committee is satisfied that the premises licence holder acknowledges the seriousness of the issues raised and has taken steps to address the cause of concern. Accordingly, the Sub-Committee ruled out revocation at this time.

The Sub-Committee went on to consider imposing an earlier closing time but was mindful of the financial implications of doing so. The Sub-Committee accepted legal advice on this point and were referred to paragraph 11.23 of the statutory guidance. In light of the steps already taken the Sub-Committee decided that a restriction of hours would not be appropriate.

The Sub-Committee considered all other options including suspension of licence, but likewise did not consider this appropriate.

The Sub-Committee felt that a condition was appropriate to ensure the first aid room was clearly identified and open to inspection.

The Sub-Committee would strongly warn the premises licence holder that it expects those steps implemented to be genuinely adopted and maintained at the premises at all times. In the event of a further review, it must be made clear that matters will be taken more seriously. The Sub-Committee also expects ongoing compliance with all of the conditions attached to the premises licence as well as an improvement in relation to cooperation and relationship with the police.

There is a right of appeal for all parties to the Magistrates' Court. Formal notification of the decision will set out that right in full.

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Agenda Item 7



Reference: 2013/02958/01SRAP

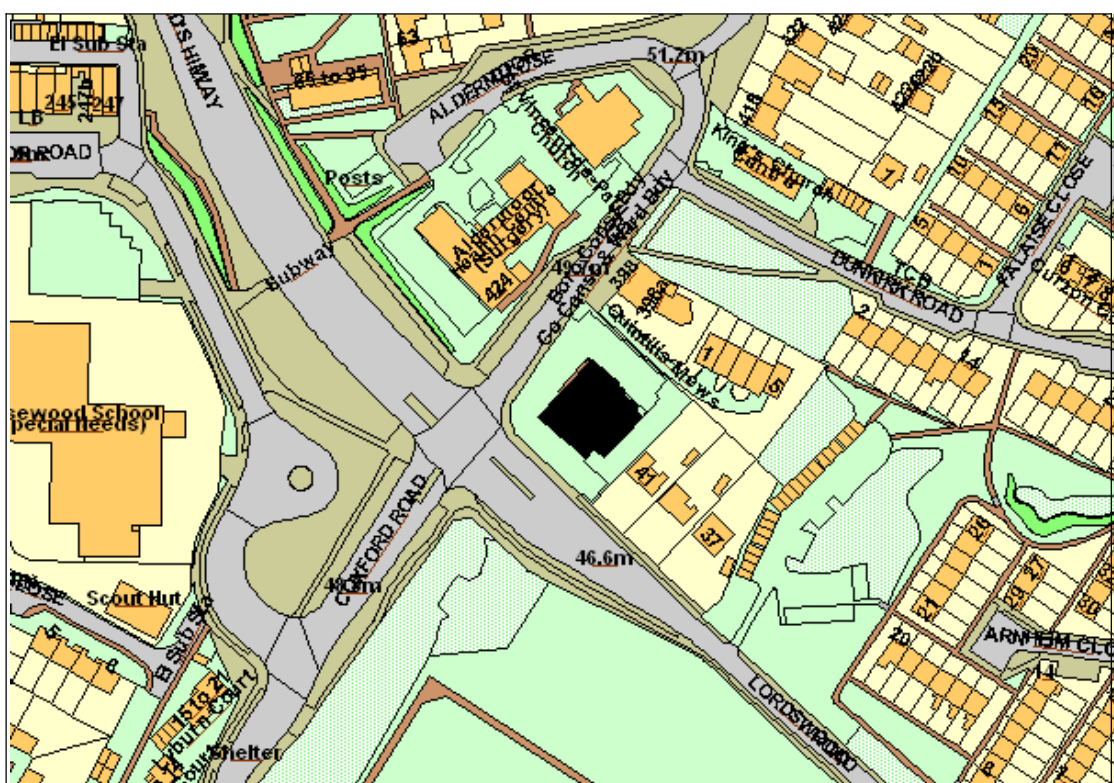
Hearing: **19th December 2013**

Application for Review of Premises Licence

Premises Name: Tesco Express
 Premises Address: Lordswood Road
 Southampton
 SO16 6LN

Application Date: 30th October 2013
 Application Received Date: 5th November 2013

Application Valid Date: 5th November 2013



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No response received	

Hampshire Fire And Rescue - Licensing	No response received	
Environmental Health - Licensing	Yes	
Planning & Sustainability - Building Control - Licensing	No response received	
Primary Care Trust - Public Health Manager	No response received	
Police - Licensing	No	
Trading Standards - Licensing	No	

Other Representations

Name	Address	Contributor Type
Cllr. Don Thomas	Civic Centre Civic Centre Road Southampton	Ward Councillor

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.



Application for the review of / Representation in respect 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 Sharon Conway, 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)
- Make a representation about a premises licence/club premises certificate



Premises or Club Premises details

Postal address of premises:	Tesco Express Lordswood Road Southampton
Postcode (if known):	SO16 6LN

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

Number of premises licence or club premises certificate (if known)
2012/00257/01SPRD

Details of responsible authority applicant

Mr Mrs Miss Ms Other title / Rank: PC

Surname: CONWAY First Names: SHARON

Current postal address : Southampton Central Police Station
Southern Road
Southampton

Postcode: SO15 1AN

Daytime telephone number: 02380 674768

E-mail address: (optional) western.licensing@hampshire.pnn.police.uk

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



Application for the review of / Representation in respect 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 [X]
2) Public safety []
3) The prevention of public nuisance []
4) The protection of children from harm [X]

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 Constable, Hampshire Constabulary are requesting that the premises licence for Tesco Express, Lordswood, be reviewed. This is because Hampshire Constabulary have serious concerns that the premises are undermining the licensing objectives to prevent crime and disorder and protect children from harm.

Hampshire Constabulary are requesting the Licensing Authority to revoke the premises licence.

On 4th January 2012, Tesco Stores Ltd applied for a premises licence for the site at Lordswood Road. Hampshire Constabulary submitted an objection to the licence application. The reasons for this objection included concerns that the area would be subject to an increase in anti-social behaviour, underage sales of alcohol, proxy sales of alcohol, all contributing to undermining the licencing objectives.

The Licensing Authority granted the premises licence on 23rd February 2012, with a number of conditions to address the concerns raised. (Annex A)

Hampshire Constabulary have serious concerns that Tesco are failing to uphold the licensing objectives to prevent crime and disorder and protect children from harm.

On 28th December 2012, Hampshire Constabulary conducted a test purchase operation. At about 21:50 hours, two female test purchasers, one aged 17 years and one aged 16 years went into the premises. Both females went to the cashier with a 750ml bottle of wine. The sale was made to the 17 year old. Despite a till prompt being in operation to remind the cashier that he was selling an age-related product, and a challenge 25 condition, no challenge was made as to the age of the test purchaser. (Annex B)

The member of staff concerned was issued with a fixed penalty notice.

The Christmas holiday period is a viewed as a high risk period for alcohol related anti-social

RESTRICTED



Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003

Page 3 of 7

behaviour, often involving young people. Not only is it a school holiday period, but the festive period often results in an increase in reporting of anti-social behaviour. The timing of this sale is of concern to Hampshire Constabulary in promoting the licensing objectives of preventing crime and disorder and protecting children from harm.

On 16th January 2013, a meeting was held between PC Conway, PC Norris and management of Tesco, Lordshill, including the DPS Martin Wilson. The failed test purchase was discussed. On reviewing the CCTV footage, Mr Wilson agreed that the challenge for identification should have been made in line with the store's challenge 25 policy. On viewing another camera, the staff member who authorised the sale of alcohol could be seen to be conversing with another member of staff during the sale.

Mr Wilson stated that he had addressed the failed test purchase in a number of ways, which included:

- 1) refresher training on the challenge 25 policy for all members of staff
- 2) the addition of a second till prompt message, reminding all staff when they signed onto the till of the challenge 25 policy

A check of the conditions attached to the premises licence was made. Staff training records were kept and up to date, the challenge 25 policy was advertised and backed up with till prompts. There were some minor issues found in other conditions, the main issue that was found was a physical refusals book was not in place, but an electronic recording system. Mr Wilson advised he would put a refusals book in place.

A letter was sent to both Mr Wilson and Tesco Ltd advising of the summary of the meeting, and actions that needed to be taken. (Annex C)

A test purchase was conducted on 8th February 2013. The test purchasers were challenged for identification, and the sale of alcohol was not made.

A test purchase operation was planned for the summer holiday period for on and off licenses in the Lordshill and Coxford areas of Southampton. This was in support of Hampshire Constabulary's Summer Anti-Social Behaviour campaign. Due to the lighter evenings and school holiday period, summer is again a period where there is a rise in complaints about anti-social behaviour. Prior to the test purchase operation, all stores, including Tesco Lordshill, were sent a letter providing advice about how to avoid selling alcohol to children and upholding the licensing objectives. (Annex D)

A third test purchase was conducted on 8th August 2013. At 20:30 hours, a 15 year old test purchaser used the self service counter in order to buy alcohol. Despite the till prompt requesting authorisation, the member of staff did not look at the test purchaser and therefore did not request any identification to confirm the age. A 568ml bottle of Bulmers cider was sold. Further to this, CCTV also shows that there are a number of staff within the store in a position to potentially challenge and prevent the sale, including security staff present at the door / till area. (Annex E)

The fact that the a 15 year old has been able to buy alcohol at a relatively early time in the



[REDACTED]

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

evening is extremely concerning to Hampshire Constabulary and undermines the licensing objectives to prevent crime and disorder and protect children from harm. The concern is compounded by the fact that, of the eight premises tested on 8th August 2013, Tesco Lordswood were the only premises to sell alcohol to the test purchaser.

The member of staff was issued with a fixed penalty ticket.

Mr Wilson was spoken to about this transaction. He advised that disciplinary action was in the process of being taken with the member of staff.

Training records were provided. Following the refresher training in relation to age-related products that was conducted in January 2013, refresher training had been conducted in April 2013, which included a set of questions about the sale of alcohol.

Mr Wilson advised that all staff would undergo further training in relation to the prevention of sales of alcohol to children following the failed test purchase, as standard practice, during August 2013. This training would also be repeated again for the scheduled 6 monthly refresher training in September and October 2013.

The refusals book was now in place and was being used by some members of staff. Improvements were suggested, such as the staff member making the entry to sign any refusal made. This would provide Mr Wilson an indication as to which members of staff were actually making and recording refusals.

The conditions which Hampshire Constabulary would look for premises to incorporate as standard practice and a minimum operating schedule are already in place at Tesco, Lordswood. Only small improvements could be suggested by either Mr Wilson or PC Conway. These suggestions included:

- 1) a discussion with staff about the need to remain vigilant to customers when not on the till
- 2) refreshing the till warning prompts to avoid automatism
- 3) authorisations of self- service to be made by a separate member of staff, so the self-service area is directly authorised.
- 4) supervisors only to authorise sales of alcohol.

Mr Wilson was also reminded that he did not have to authorise staff to sell alcohol if there was any issue about their understanding of the responsibilities.

Mr Wilson expressed his disappointment that his staff had failed a second test purchase. However, Mr Wilson remained confident that the staff at the store were fully aware of their responsibilities in relation to the Licensing Act, the licensing objectives and measures that would prevent the sale of alcohol to children.

Mr Wilson was advised of the seriousness of Tesco, Lordswood continuing to sell alcohol to children. He was reminded of the consequences of committing an offence of persistent sales of alcohol under S147A Licensing Act 2003. Mr Wilson was also warned that any further sales made to a child under the age of 18 would result in a review of the premises licence.



[REDACTED]

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

A letter was sent to Mr Wilson and Tesco Ltd, summarising the meeting. (Annex F)

A forth test purchase was conducted on 18th September 2013. Given Mr Wilson's confidence in his staff at operating the challenge 25 policy in accordance with their training, a 17 year old test purchaser attempted to buy alcohol through the self-service point of sale, while a 2nd 17 year old test purchaser attempted to buy alcohol at the till. The test purchaser at the self service point of sale was challenged for identification, and subsequently the sale was refused by a male member of staff. The 17 year old at the till was served by a female member of staff. Despite till prompts being in operation, the store having recently failed a test purchase and a young person being in the store at the time attempting to buy alcohol, the female member of staff did not request any identification to confirm the age of the test purchaser. A 568 ml bottle of Bulmers cider was sold to the test purchaser. (Annex G)

Given that this sale was made at about 19:25 hours on a Wednesday evening, it is of serious concern that a child could be sold alcohol without the staff showing enough due diligence, thus undermining the licensing objective to protect children from harm.

The female member of staff was spoken to. Worryingly, she confirmed that she had not noted the till prompt requesting the age of the customer to be verified. The staff member had also not recognised that she was selling alcohol and admitted that she was not concentrating on her own customer.

During subsequent discussions with representatives from Tesco Ltd, a number of reasons for the sales to children under the age of 18 have been provided. For example, the member of staff that sold the alcohol on 18th September 2013 was due to leave the company, this shift being her last shift. It was raised that this member of staff may have been distracted during the sale by her personal circumstances. However, she was not distracted so that she did not see the test purchaser at the self-service checkout. The member of staff failed to see that she was selling alcohol, and failed to see that the purchaser was a young person. During the first test purchase in December 2012, the member of staff was distracted in a conversation with his colleague.

It is of serious concern that staff at Tesco, Lordswood have repeatedly sold alcohol to a person under the age of 18. In total, Tesco Lordswood have failed 3 police test purchase operations within 9 months, even when the management have been warned that the store will be subject to a test purchase. This is a unique situation within Southampton and gravely undermines the licensing objectives to prevent crime and disorder and protect children from harm.

The circumstances present further concern that the licensing objectives are being undermined. Sales are being made during school holiday periods when there is a higher risk of alcohol related anti-social behaviour and off-licence premises should be highly vigilant about young people attempting to access alcohol. The sales are also being made early in the evening, again a time when staff should be vigilant to children attempting to access alcohol.

Staff have been trained to Tesco Ltd standards more often in 2013 than the required 6



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

Signature of Authorising Officer (Inspector or above)

Name Justin Roberts

Collar Number: 2841

Signature: _____



Date: 31/10/13



LICENSING (LICENSING AND GAMBLING) SUB - COMMITTEE
DECISION OF THE MEETING HELD ON 23rd FEBRUARY 2012
TESCO STORES LIMITED, LORDSWOOD ROAD, SOUTHAMPTON, SO16
6LN

All parties will receive formal written notification of the decision and reasons.

The Sub-Committee considered carefully the application for a premises licence at Tesco Stores, Lordswood Road and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, Human Rights legislation and representations, both written and given orally today by Hampshire Constabulary, residents and the applicant.

It notes that the premises licence holder had co-operated with the police and that extensive and full conditions relating to Staff Training, Challenge 25 and CCTV, Log relating to incidents at the premises, Security Guard and Refusals Book had in the main been agreed with the police. It was also noted that the Police effectively withdrew their objection on the basis of the agreed conditions.

The Sub-Committee has considered very carefully the evidence submitted by all parties both written and given orally today.

In consideration of all the above, the Sub-Committee has determined to grant the application in the terms sought and subject to the agreed and amended conditions. For the avoidance of doubt the Sub-Committee has determined that the wording in square brackets which was the only area of dispute between the police and the applicant shall not form part of the conditions attached to the licence.

REASONS

The Sub-Committee has considered very carefully the evidence of the residents relating to the licensing objectives, but were satisfied that the steps proposed by the amended operating schedule (via amended conditions as agreed) would be sufficient to address the four licensing objectives.

The Sub-Committee considered very carefully the potential for problems caused by the premises in this location, but were cognisant that the police were now satisfied with the application and had withdrawn their representation.

The Sub-Committee does hold very serious concerns in relation to the location of this premises and the clear evidence showing crime and anti-social behaviour in the area and issues regarding such raised by residents. At the same time, it is bound to carefully consider the police evidence which indicates a distinct difference delineated by the road which creates a separation physically. Which is also borne out by a significant difference in

the crime statistics, sufficient, in their view, to warrant an alternative approach to other premises in the area. Despite the residents' and the Sub-Committee's concerns, careful analysis of the evidence presented did not sufficiently show that it was necessary and proportionate to refuse a licence in this instance. The Sub-Committee has accepted legal advice that it may only consider those issues properly raised in formal representations. In light of the extent of the operational procedures and conditions agreed by the applicant and the clear indication by the police that these would address the licensing objectives, the decision was deemed to be proportionate.

Residents can be reassured by the fact that the Licensing Act 2003 does allow for significant steps to be taken in the event that a premises does cause issues and undermines the licensing objectives in the future. Evidence showing a clear causal link to the premises shall be taken extremely seriously and both the police and local residents may initiate a review in the event that issues arise.

The Sub-Committee determined that the conditions should reflect the current position and would stress that in the event that circumstances change, may be amended by way of minor variation or variation application. In the circumstances and based on the police evidence, the conditions as drafted without the additional wording in square brackets were felt to be necessary and proportionate.

There is a right of appeal for all parties to the Magistrates' Court. The formal notification of the decision will set out that right.

**AGREED CONDITIONS BETWEEN POLICE AND TESCO STORES,
LORDSWOOD ROAD
23RD FEBRUARY 2012**

- Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; signs and symptoms of drunk persons, refusal of sale due to intoxication and that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training and that records are signed and dated by the member of staff who undertakes the training. Records will be available for inspection by Hampshire Constabulary and the licensing Authority. Records will be kept for a minimum period of two years.
- There will be a Challenge 25 policy operated at the premises. All staff will be trained on the policy to challenge any one who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises. The customer 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.
- CCTV
 - The premises shall have sufficient cameras located within the premises to many areas of the premises including the entrance and exit, checkouts and main alcohol display area and external to the store. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas CCTV warning signs to be fitted in public places.
 - The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.
 - The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback

- The Premises will maintain a log to record any incidents relating to the licensable activities carried out at the premises. The log will be held on the premises and records will be kept for at least 6 months after the event.
 - The Premises will operate a Refusals Book in relation to refusals of sales of alcohol. (However, it is understood that at a later date this may be reviewed with a view to vary this condition).
 - The Premises will employ a Security Guard 7 days a week from 6 pm to close. (Unless the police agree in writing that this is unnecessary)
-



**Schedule 12
Part A
Premises Licence**

Regulation 33,34

Premises licence number 2012/00257/01SPRD

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description,
Tesco
Lordswood Road
Southampton
SO16 6LN

Telephone number

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
Supply by retail of alcohol

The times the licence authorises the carrying out of licensable activities
Supply by retail of alcohol

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

The opening hours of the premises

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

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption off the premises

Part 2

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

Tesco Stores Ltd
Tesco House
Delamare Road
Cheshunt
Waltham Cross
Herts
EN8 9SL

Electronic Mail licensing.team@uk.tesco.com

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

00519500

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

Martin Scott Wilson

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: 2005/00647/02SPEC
Licensing Authority: Southampton City 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 23rd day of February 2012

Head of Legal, HR & Democratic Services

Licensing – Southampton City Council
Southampton & Eastleigh Licensing Partnership
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 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

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

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

Annex 2 – Conditions consistent with the operating Schedule

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

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

There will be a Challenge 25 policy operated at the premises. All staff will be trained on the policy to challenge any one who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises. The customer 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.

CCTV

The premises shall have sufficient cameras located within the premises to many areas of the premises including the entrance and exit, checkouts and main alcohol display area and external to the store. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

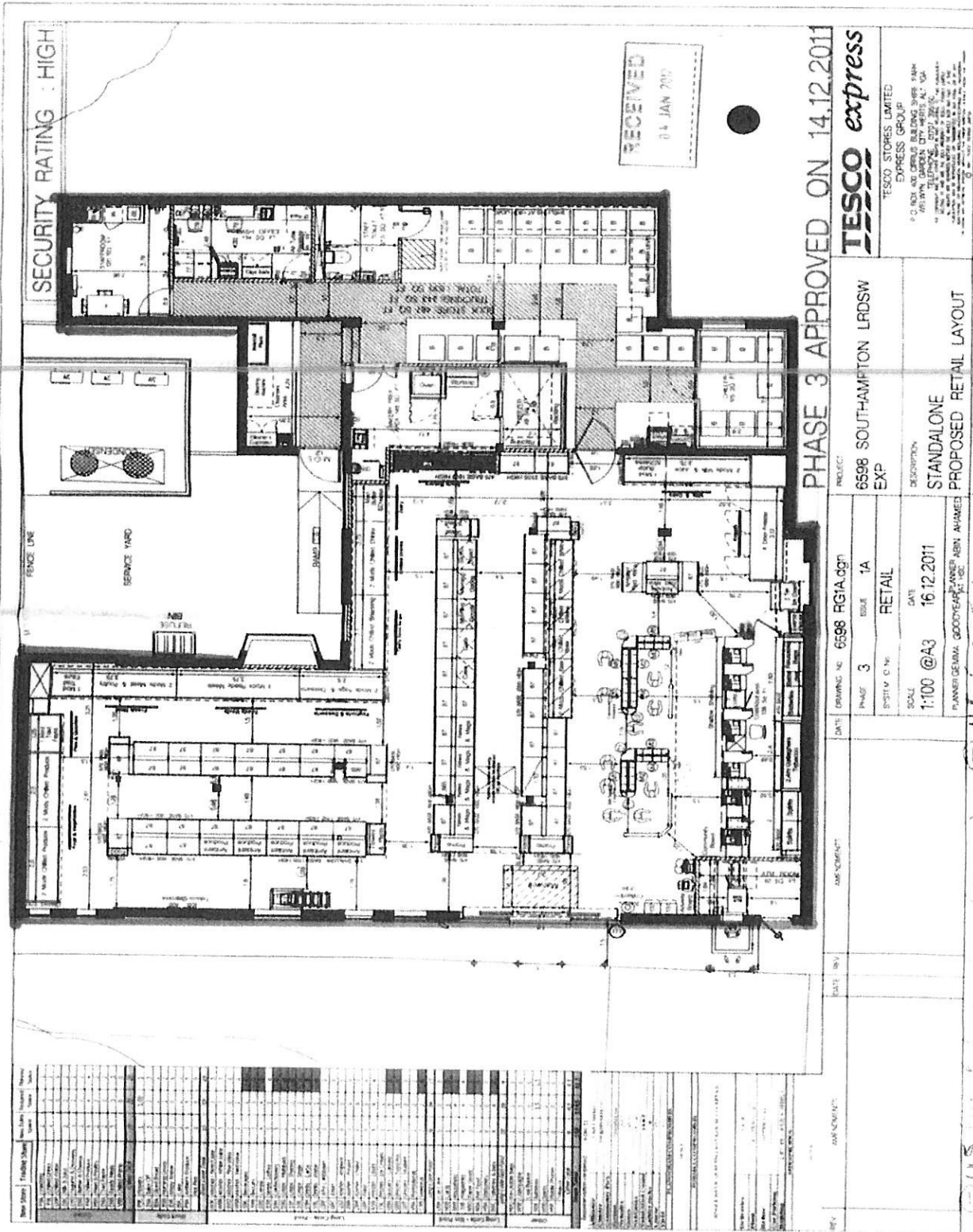
The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback

The Premises will maintain a log to record any incidents relating to the licensable activities carried out at the premises. The log will be held on the premises and records will be kept for at least 6 months after the event.

The Premises will operate a Refusals Book in relation to refusals of sales of alcohol.

The Premises will employ a Security Guard 7 days a week from 6 pm to close.



Occurrence details

Hampshire Constabulary

Printed: 30/10/2013 09:45 by 22237

Occurrence: **44120500032**

Occurrence details:

Report no.: 44120500032

Occurrence Type: Other crime

Occurrence time: 28/12/2012 21:52 - 28/12/2012 21:52

Reported time: 28/12/2012 22:35

Occurrence address: LORDSWOOD ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 6LN (TESCO) (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SN SHIRLEY NORTH, Beat: 1SN02 COXFORD)

Clearance status: Filed

Concluded: Yes

Concluded date: 30/12/2012

Summary: During a test purchase operation, a member of staff served alcohol to a person under the age of 18.

Remarks:

Associated occurrences:

- Same address / 44120024955 / Z Prem Licence (Management Occurrence)
- Same address / 44120500030 / Other crime / 28/12/2012 22:35 / 20121228 22:35:27:677
- Similar MO / 44120500026 / Other crime / 28/12/2012 22:35 / 20121228 22:35:27:677

Involved persons:

- STATE, THE [G2] / Aggrieved / (HAMPSHIRE CONSTABULARY HEADQUARTERS, ROMSEY ROAD WINCHESTER, HAMPSHIRE United Kingdom SO22 5DB (POLICE) (OCU: 3 NORTHERN, District: O WINCHESTER & EAST HANTS, Sector: OC WINCHESTER RURAL NORTH, Beat: 3OC01 WINCHESTER CITY)) Id #: 73234
- BOUAULT, MICHAEL [G4V] / Fixed penalty; Subject / DOB: (19) Gender: Male

Involved addresses:

- LORDSWOOD ROAD / Occurrence address / SOUTHAMPTON, United Kingdom SO16 6LN (TESCO) (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SN SHIRLEY NORTH, Beat: 1SN02 COXFORD)

Involved comm addresses:

Involved vehicles:

Involved officers:

- Detecting officer; Officer in case; Reporting officer / BOUCOUVALAS, A. / #25323 / Hamp / Police officer / MILLBROOK SOUTH SNT
- Call taker / VANDERPLANK, A. / #12370 / Hamp / Police staff / CRB OFFICERS WINCHESTER

Involved property:



WITNESS STATEMENT

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

Statement of: PC 25323 BOUCOUVALAS URN
Age if under 18: OVER 18 (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: 28/12/12

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

I am PC 25323 BOUCOUVALAS of Hampshire Constabulary currently stationed at Shirley Police Station

I am a Safer Neighbourhood Officer and have a responsibility within my policing area to ensure that the Licensed Premises are promoting and upholding the four licensing objectives.

These are as follows:

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

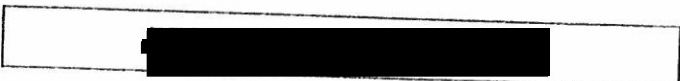
A method used to ensure that the four licensing objectives are being met is to conduct Test Purchase Operations.

Section 149 and 152 of the Licensing Act 2003 allows for the purchase or attempted purchase of alcohol in licensed premises by young persons under the age of 18 years at the request of a Police Officer acting in the course of their duty. It further allows a Police Officer in the course of their duty to send a young person under the age of 18 years to obtain alcohol into licensed premises to purchase or attempt to purchase alcohol without an offence being committed.

It an offence contrary to section 146(1) and (7) of The Licensing Act 2003 to sell alcohol to a person under the age of 18 years old.

On 28/12/12 from 1830 hrs I participated in a test purchase operation with two test purchasers. Test purchaser one was a female aged 17 years old, and test purchaser two was a female aged 16 years old.

Signature: Signature witnessed by:



I was in plain clothes together with PC 25532 WILLIAMS. Our role in the operation was to monitor the test purchasers at all times, ensure their safety and give evidence in relation to any offences committed. PC 22237 CONWAY was in a uniformed role to deal with any offences committed by the premises.

At approximately 2152 hrs I attended TESCO EXPRESS LORDSWOOD ROAD, SOUTHAMPTON. I entered the premises and browsed the store. The store had customers present browsing the store. The store was well lit. There was a cashier at the checkout who was speaking to another member of staff.

I then saw test purchaser 1 and test purchaser 2 enter the store. They both approached the alcohol chillers and went out of sight. They then appears approaching the checkout carrying a bottle of 'OGIO pink rose wine'. They then placed it on the counter. I positioned myself approximately 1 metre away at the self service checkout purchasing a packet of crisps. I could clearly hear and see both of the test purchasers stood next to each other at the checkout. The cashier sold the alcohol to both of the test purchasers. Test Purchaser 1 handed over the cash for the wine. The cashier, who appears to be in his early 20s with ginger hair did not ask the test purchasers for identification. The cashier then bagged up the bottle of wine, and took payment for it. He also asked for a 'clubcard'.

The test purchasers left the store with PC 25532 WILLIAMS and I, where we met PC 22237 CONWAY who was in uniform. I took possession of the bottle of wine which I identify as in evidence as identification reference number AB/ALCOHOL/03 which PC WILLIAMS then placed into our police vehicle..

PC 22237 CONWAY, who was in full police uniform entered the store with myself. I pointed out the cashier that had served the test purchasers the alcohol. PC CONWAY and I met with the cashier in the office of the store, where he was identified as Michael BOUAULT. BOUAULT was issued a fixed penalty notice by PC CONWAY. He was 'now' cautioned and reported for the offence of selling alcohol to a person under the age of 18.

Signature: Signature witnessed by:





Hampshire Constabulary

Chief Constable Alex Marshall QPM

Annex C
Southampton Central
Police Station
Southern Road
Southampton
Hampshire

SO15 1AN

Martin Wilson
Tesco
Lordswood Road
Southampton
SO16 6LN

Telephone: 101

Direct dial: 02380 674768

Fax number:
023 8067 4397

Minicom TextRelay: 18001 101

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

Our ref: 44120024955
Your ref:

January 19, 2013

Dear Sir,

This letter is with regard to our meeting on 16th January 2013 at Tesco, Lordswood Road, Southampton. At the meeting a number of issues were discussed and are summarised on the attached sheet.

As we discussed, the Hampshire Constabulary are committed to working with the licensees in promoting the four licensing objectives i.e. –

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

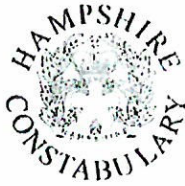
At this time, the police consider that further measures could be taken to ensure the licensing objectives are actively being promoted. Should further incidents occur at the premises and the suggested measures not been introduced, then we may look to take the matter further and this could be by a review of the premises licence.

Yours faithfully,

PC 22237 Sharon Conway
Violent Crime Reduction & Licensing Team
Southampton Central Police Station

www.hampshire.police.uk





Hampshire Constabulary

Chief Constable Alex Marshall QPM

Meeting – Tesco, Lordswood Road; 16/01/13

People present – Martin Wilson (DPS); Matt (Operations Manager); PC Sharon Conway; PC Sarah Norris

This meeting was in relation to a failed police test purchase operation on 28th December 2012.

Since this incident, refresher training has been conducted with all members of staff in relation to Challenge 25 policy. Tesco also conduct their own test purchasing in relation to Think 25, which the store has recently passed.

Refresher training has been conducted with all members of staff, a copy of which has been provided to police.

CCTV was reviewed of the incident.

A till prompt system is in place for all age related products. A further prompt has been installed on the till to remind staff of the Challenge policy when they sign onto the till. Information was also passed to you to be aware of, concerning local youths buying alcohol from staff without being challenged. As this information was from October 2012, full details of the circumstances are not known, or even if the sale was a 'proxy' sale.

General licensing advice and conditions check

Staff training

Police – Staff training is recorded when given. Records are maintained of refresher training. All staff has received refresher training as a result of the failed test purchase.

Venue – Staff will also receive refresher training with respect to proxy sales.

Challenge 25

Venue – Challenge 25 policy is in place, with till prompts for all age related sales. The policy is also tested with internal procedures.

CCTV

Police – CCTV coverage is of good quality. On checking, stored footage only goes back to 25/12/12, which is 22 days. It may be that the frame rate quality is set too high. The CCTV condition requires 28 day storage. You advised that all members of management are able to download footage.

Venue – You will look to resolve the storage issue as soon as possible.

Police – We recommend weekly checks to be conducted to check that storage is correct and footage can be downloaded. We also recommend that the checks are recorded. The sample footage obtained plays on police systems.

Incident book / Security

Police – Security staff are employed at the store in excess of the hours attached to the condition, which is good. Security staff maintain a log of incidents which occur at the premises. Some incidents recorded include those related to alcohol.



Hampshire Constabulary

Chief Constable Alex Marshall QPM

Venue – You were unsure on the length this condition was to remain in place. At the hearing when the license was granted, you were under the impression that this condition would only be in place for a month before being reviewed.

Police – Although this may have been the intention, the condition has been written onto the licence with no time constraints or review period. As such, the condition must be adhered to whilst it is on the licence. A variation application can be submitted for the condition for an incident log to be removed if required.

Refusals book

Police – You advised that refusals are kept electronically, using the till prompt system. Records are not easily accessible to be viewed.

Venue – A physical refusals book will be implemented at all tills to capture all refusals.



Annex D

Hampshire Constabulary
Chief Constable Andy Marsh

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

Telephone: 101
Direct dial: 023 8067 4768
Fax No: 0845660037

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

Dear Licensee,

As a responsible licensee of a licensed premises, you will be aware of the importance to ensure that your staff have received adequate training regarding due diligence in order to prevent the sale of alcohol to under age persons.

Due diligence training, keeping refusals logs, and ensuring that you have an up to date age verification policy all promote the licensing objectives and help you to ensure your staff are not serving people who are drunk or under 18 years old.

Hampshire Constabulary are committed to working with the licensees in promoting the four licensing objectives i.e. –

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

You will find enclosed a new leaflet created by Hampshire Constabulary to assist licensees in following an age verification policy. If you require any additional posters these can be provided free of charge. You can request these via email or telephone (details above). Furthermore, if you would like a licensing officer to attend any training session that you run then please contact us to arrange a suitable date and time.

Please be advised that due to the seasonal rise in anti-social behaviour over the Summer months, regular test purchasing operations will be conducted. Ensure your staff are trained to effectively utilise your age verification policy, and record any refusals made.

Yours faithfully

PC 22237 Conway
Violent Crime Reduction & Licensing Team,
Southampton Central Police Station

Annex E

Occurrence details

Hampshire Constabulary	
Printed:	30/10/2013 11:05 by 22237
Occurrence:	44130297165

Occurrence details:

Report no.: 44130297165
 Occurrence Type: Other crime
 Occurrence time: 08/08/2013 20:30 - 08/08/2013 20:30
 Reported time: 08/08/2013 22:47
 Occurrence address: LORDSWOOD ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 6LN (TESCO) (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SN SHIRLEY NORTH, Beat: 1SN02 COXFORD)
 Clearance status: Filed
 Concluded: Yes
 Concluded date: 13/08/2013
 Summary: SALE OF ALCOHOL TO A PERSON UNDER 16 YEARS

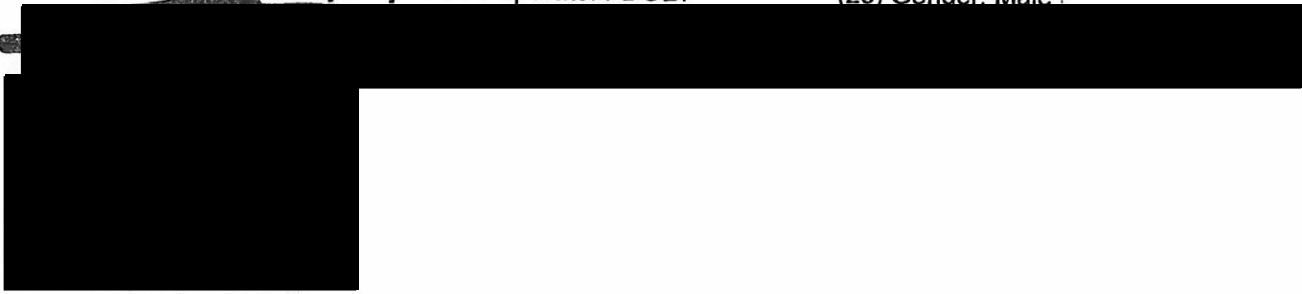
Remarks:

Associated occurrences:

- Same address / 44120024955 / Z Prem Licence (Management Occurrence)

Involved persons:

- NOYCE, GWEN [G4V] / Other / DOB: 11/08/1970 (43) Gender: Female (LORDSWOOD ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 6LN (TESCO) (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SN SHIRLEY NORTH, Beat: 1SN02 COXFORD) (Land line) 02380364524) Id #: 2230083
 (Mobile) 07441601590
 (Land line) 02380364524
- SCOTT-WILSON, MARTIN [G4V] / CCTV operator / DOB: (28) Gender: Male



- DUNN, JAMES CHARLES ROBERT [G3] / Fixed penalty; Interviewed under caution; Subject / DOB:



- TESCO SUPERMARKET [G3] / Subject / (Single record for ALL TESCO Stores variations, including Tesco Express and Metro. DO NOT create a new one, link to this one. / NOTE - Separate records exist for Tesco Finance and Tesco Filling Stations.) 1174986 SUPERMARKET, STATION ROAD, HOOK, HAMPSHIRE United Kingdom RG27 9JE (TESCO) (OCU: 3 NORTHERN, District: R HART & RUSHMOOR, Sector: RY YATELEY, Beat: 3RY04 HOOK & ROTHERWICK) (Land line) 02380512467



[REDACTED]

Involved addresses:

- LORDSWOOD ROAD / Dispatch address; Occurrence address / SOUTHAMPTON, United Kingdom SO16 6LN (TESCO) (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SN SHIRLEY NORTH, Beat: 1SN02 COXFORD)

Involved vehicles:

Involved officers:

- Witness / CARR, H. / #3560 / Hamp / Police officer / MILLBROOK SOUTH SNT
- Call taker / SMITH, T. / #12538 / Hamp / Police staff / CRB OFFICERS WINCHESTER
- Detecting officer; Interviewing officer; Officer in case / BOUCOUVALAS, A. / #25323 / Hamp / Police officer / MILLBROOK SOUTH SNT

Involved property:

Modus operandi:

Reports:

Witness Statement

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Court Act 1980. s.5B

Statement Of: Howard Carr

URN:

Age (If Under 18): Over 18

Occupation: Police Officer

1 09/08/2013 00:38:

I am PC 3560 CARR of Hampshire Constabulary currently stationed at Redbridge Community Office.

5 I am a Safer Neighbourhood Officer and have a responsibility within my policing area to ensure that the Licensed Premises are promoting and upholding the four licensing objectives. These are as follows:

- The prevention of crime & disorder

- Public safety

10 •The prevention of public nuisance

- The protection of children from harm

A method used to ensure that the four licensing objectives are being met is to conduct Test Purchase Operations.

15 Section 149 and 152 of the Licensing Act 2003 allows for the purchase or attempted purchase of alcohol in licensed premises by young persons under the age of 18 years at the request of a Police Officer acting in the course of their duty. It further allows a Police Officer in the course of their duty to send a young person under the age of 18 years to obtain alcohol into licensed premises to purchase or attempt to purchase alcohol without an offence being committed.

20 It an offence contrary to section 146(1) and (7) of The Licensing Act 2003 to sell alcohol to a person under the age of 18 years old.

25 On Thursday 8th August 2013 from 18:00 hours, I participated in a test purchase operation with two test purchasers. Test purchaser one (TP1) was a male aged 15 years old, and test purchaser two (TP2) was a female aged 17 years old.

30 I was in plain clothes together with PC 2846 TRUSSON. Our role in the operation was to monitor the test purchasers at all times, ensure their safety and give evidence in relation to any offences committed. PC 25323 BOUCOUVALAS was in a uniformed role to deal with any offences committed by the premises, accompanied by Elaine LUCAS from trading standards.

35 At approximately 18:30 hours, I attended the Tesco express store, Lordswood Road, Southampton. TP 1 entered the store a short time before me. I entered the premises and walked along the aisles to locate where the alcohol was situated. I remained by the fridge area, where the chilled alcoholic drinks were located such as cans of lager and cider. The alcohol fridges are located opposite the till area approximately 4 metres away, so I had a

Witness Statement

Statement Of: Howard Carr

URN:

clear view of the till area from where I was standing and could also hear the member of staff on the till speaking to customers.

I then saw test purchaser 1 come to the front area of the store, he was carrying a bottle, TP1 made his way to the till area. I positioned myself approximately 4 metres away and had
40 a clear view of the till area. There were a few customers standing in a queue in front of TP1. TP1 then approached one of the self check out tills situated on the right hand side (when looking from the chilled drink fridges). I saw TP1 scan the bottle which prompted a clear audible message "APPROVAL NEEDED". The male member of Tesco staff who was working behind the tills looked over towards TP1, then seemed to push something on the till,
45 in front of him, which I believe gave approval for the transaction to continue. At no stage did the member of Tesco staff ask TP1 how old he was, nor did he ask him for any identification to prove how old he was.

TP1 paid for the bottle, placed it in a plastic carrier bag then left the store, walking past a security officer who did not challenge him. I left the store shortly afterwards and met TP1 by
50 the side of the store. He handed me the bottle, which was a BULMERS cider, red berries and lime (568 ml). I seized the bottle of BULMERS cider in evidence and produce it as exhibit reference HJC/TE/01. I placed the bottle into an evidence bag with reference P01065809 and sealed it up. I later booked the bottle of Bulmers cider into property at Southampton Central Police station under property reference SC/2831/13.

55 I notified PC 25323 BOUCOUVALAS that TP1 had managed to purchase a bottle of Cider and on arrival I pointed out Tesco staff member who had authorised the sale.

The male staff member was still working at the till area, serving customers, he was the only member of staff that I saw by the tills at the time and he was quite distinctive. I would describe him as a white male aged 60– 65 years old, stocky/large build., about 5'6 tall. He
60 had white hair and a white beard and was wearing a blue coloured shirt. He was also wearing braces over his shoulders, which were attached to his trousers. I have seen this male on approximately 4 occasions in the past as he was the security officer who used to work at the One stop Store in Coxford Road, I think his name is Jim.

65 At the closest point the member of staff was about 3.5 - 4 metres away from me. Visibility was good as the store was well lit. I had a clear unobstructed view of the staff member. He was in my view for about 1- 2 minutes in total.

MG11T

This statement 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: Digitally signed by PIN Date: 09/08/2013 00:40
Witness To Signature: N/A Date: N/A

Statement Started 09/08/2013 00:38 Statement Completed 09/08/2013 00:40

Witness Statement

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Court Act 1980, s.5B

Statement Of: Alex Boucouvalas

URN:

Age (If Under 18): Over 18

Occupation: Police Officer

1 08/08/2013 23:48:

I am PC 25323 BOUCOUVALAS of the Hampshire Constabulary currently stationed at Shirley Police Station. On Thursday 8th August 2013 I was on duty in full uniform with trading standards officer Elaine LUCAS conducting a test purchase operation in the Shirley area of Southampton.

5 At 2030 hours, I received a call from PC 3560 stating that Tesco Express LORDSWOOD ROAD, SOUTHAMPTON had just failed a test purchase, and that TP1 had purchased an alcoholic bottle of cider.

At 2035 hours I arrived at Tesco and met PC 3560 CARR who had witnessed the sale.

10 PC 3560 CARR pointed out to me the cashier who was the only one serving on the check out area had failed the test purchase and had authorised the sale for the test purchaser on a self service checkout.

Moments later, I approached the supervisor on duty who I now know to be Gwen NOYCE. I informed her that it is alleged the cashier on the checkout had authorised a sale of a bottle of cider to a test purchaser who is 15 years old. NOYCE went and spoke to the cashier who I now know to be James DUNN 10/07/1940 and asked him to attend the back office.

15 DUNN entered the office and I explained to him what the allegation was. DUNN was cautioned, told he was not under arrest, free to leave and offered legal advice which he declined. A contemporaneous note interview was conducted at 2106 hours on a G66B form which I produce as AB/JD/01. At about 2130 hours, I issued an penalty notice for £90 for the offence of sale of alcohol anywhere to a person under 18, bearing serial number 5010821. DUNN accepted the ticket. DUNN was then reported for the same offence, and then 'now' cautioned to which he made no reply.

The interview then concluded as a whole at 2147 hours.

25 The interview was conducted in the presence of the supervisor NOYCE.

At 2200 hours, I left the premises in company with trading standards officer LUCAS.

At 2300 hours I returned to Redbridge Fire Station where I took a photo of exhibit HJC/TE/01. I produce this photograph as AB/PHOTO/01.

30 Earlier that day, at 1720 hours, I took photographs of the test purchasers who were involved in the operation. I produce the photo of test purchaser 1 as AB/TP1/01 and the photo of test purchaser 2 as AB/TP2/02.

This statement 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:	Digitally signed by PIN	Date:	09/08/2013 00:04
Witness To Signature:	N/A	Date:	N/A

Statement Started	08/08/2013 23:48	Statement Completed	09/08/2013 00:04
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Incident/Crime Number:

44120500032

Identification Exhibit No:

AB/ALCOHOL/03

Court Exhibit No:

R v

Description:

Ogio Rosé Wine

Time and Date Produced:

02300 28/12/12

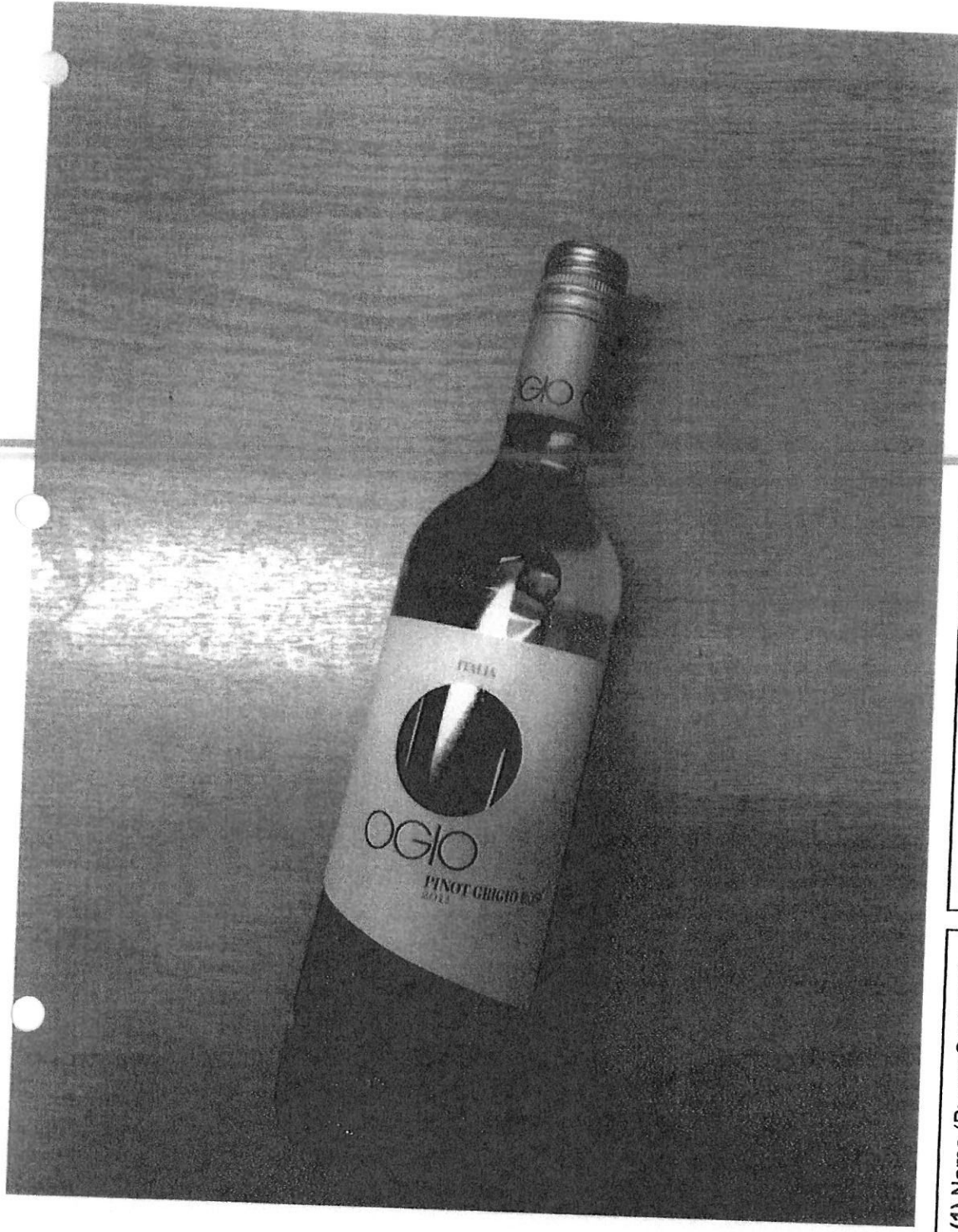
Where Produced:

SHIRLEY POLICE STATION

Produced by:

PC 25323 BOUCOUVALAS

Signed:



(1) Name (BLOCK CAPITALS)

Signed _____

Time _____ Date _____

(2) Name (BLOCK CAPITALS)

Signed _____

Time _____ Date _____

(3) Name (BLOCK CAPITALS)

Signed _____

Time _____ Date _____



Hampshire Constabulary

Chief Constable Andy Marsh

Annex F
Southampton Central
Police Station
Southern Road
Southampton
Hampshire

SO15 1AN

Martin Scott-Wilson
Tesco
Lordswood Road
Southampton
SO16 6LN

Telephone: 101

Direct dial: 02380 674768

Fax number:
023 8067 4397

Minicom TextRelay: 18001 101

Our ref: 44120024955
Your ref:

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

Dear Sir,

September 04, 2013

This letter is with regard to our meeting on 14th August 2013 at Tesco, Lordswood Road Southampton. At the meeting a number of issues were discussed and are summarised on the attached sheet.

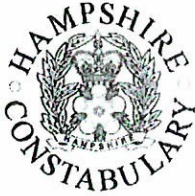
As we discussed, the Hampshire Constabulary are committed to working with the licensees in promoting the four licensing objectives i.e. –

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

At this time, the police consider that further measures could be taken to ensure the licensing objectives are actively being promoted. Should further incidents occur at the premises and the suggested measures not been introduced, then we may look to take the matter further and this could be by a review of the premises licence.

Yours faithfully,

PC 22237 Sharon Conway
Violent Crime Reduction & Licensing Team
Southampton Central Police Station



Hampshire Constabulary

Chief Constable Andy Marsh

Meeting 14th August 2013

People present: **Martin Scott-Wilson; PC Sharon Conway**

This meeting has been brought about due to a failed test purchase on 8th August 2013. The test purchaser used the self service till. The sale was authorised without any challenge for identification.

You explained that the member of staff involved had been retrained in the age related challenge policy in February and April 2013. Disciplinary procedures were also being conducted with the member of staff.

All staff are having refresher training as a result of the failed test purchase.

There are a number of challenge prompts on the till in an effort to promote the policy.

Further prevention tactics were discussed, which you advised you will look into implementing:

- Further discussion with staff as to the responsibility of all staff to remain vigilant to potential underage sales when on the shop floor.
- Refreshing the till prompt warnings
- A separate member of staff to authorise the self service tills, dependant on staffing
- Supervisor only authorisation, however you advised this will be very labour intensive and may not be appropriate for your store

At this time, Hampshire Constabulary will be monitoring the store in relation to underage sales. It is a serious concern that a store which has only been trading since early 2012 has already failed two police test purchase operations, undermining the licensing objectives. Any future sale of alcohol to a person under the age 18, will result in formal action, by way of review or prosecution, being taken.

Conditions check & general licensing advice

Training

Premises: Staff have formal refresher training for age related products every six months, records of which are maintained in the store. Refresher training is also conducted after each failed test purchase. The refresher training has also included questions to test knowledge of staff.

Challenge 25

Premises: Challenge 25 is operated, and backed up with a number of till prompts when staff sign onto the tills or when an age restricted product is scanned.

Police: It may be worth regularly refreshing the till prompts where possible.

CCTV



Hampshire Constabulary

Chief Constable Andy Marsh

Police: The footage provided of the sale was playable on police systems, and was provided at the time of request, which is good.

Refusals book

Premises: A refusals book is in place, and is being used by staff.

Police: There are a number of entries where refusals have been made for no ID, suspected proxy sales and for drunkenness. This is good. Staff should be encouraged to continue using the refusals book, as this provides evidence that refusals are being made. Each entry should be signed by the staff member, and the refusals book reviewed by management. This may highlight any issues staff have with making challenges.

Occurrence details

Hampshire Constabulary

Printed: 30/10/2013 11:19 by 22237

Occurrence: 44130355772

Occurrence details:

Report no.: 44130355772
 Occurrence Type: Other crime
 Occurrence time: 18/09/2013 19:25 - 18/09/2013 19:30
 Reported time: 19/09/2013 13:39
 Occurrence address: EXPRESS, LORDSWOOD ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 6LN (TESCO) (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SN SHIRLEY NORTH, Beat: 1SN02 COXFORD)
 Clearance status: Filed
 Concluded: Yes
 Concluded date: 01/10/2013
 Summary: Selling alcohol to a person under the age of 18yrs - During police / trading standards test purchase operation, member of staff sold alcohol to a person under the age of 18yrs without making any challenge for identification

Remarks:

Associated occurrences:

- Same address / 44120024955 / Z Prem Licence (Management Occurrence)

Involved persons:

- STATE, THE [G2] / Aggrieved / (HAMPSHIRE CONSTABULARY HEADQUARTERS, ROMSEY ROAD WINCHESTER, HAMPSHIRE United Kingdom SO22 5DB (POLICE) (OCU: 3 NORTHERN, District: O WINCHESTER & EAST HANTS, Sector: OC WINCHESTER RURAL NORTH, Beat: 3OC01 WINCHESTER CITY)) Id #: 73234
- PENFOLD, VICTORIA [G3] / Fixed penalty; Interviewed under caution; Suspect: Voluntarily attended / DOB: (32) Gender: Female

Involved addresses:

- EXPRESS LORDSWOOD ROAD / Occurrence address / SOUTHAMPTON, United Kingdom SO16 6LN (TESCO) (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SN SHIRLEY NORTH, Beat: 1SN02 COXFORD)

Involved vehicles:

Involved officers:

- Call taker / GLASSPOOL, A. / #10643 / Hamp / Police staff / CRB OFFICERS WINCHESTER
- Detecting officer; Officer in case; Reporting officer / CONWAY, S. / #22237 / Hamp / Police officer / WESTERN AREA COMMUNITY SAFETY

Involved property:

Modus operandi:



WITNESS STATEMENT

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

Statement of: Sharon Conway

URN

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

Occupation: Police Officer

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

Signature:



(witness)

Date: 25/9/13

Tick if witness evidence is visually recorded

(supply witness details on rear)

I am PC 22237 Sharon Conway of Hampshire Constabulary currently stationed at Southampton Central Police Station.

I am a Licensing Officer and have a responsibility within my policing area to ensure that the Licensed Premises are promoting and upholding the four licensing objectives.

These are as follows:

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

A method used to ensure that the four licensing objectives are being met is to conduct Test Purchase Operations.

Sections 149 and 152 of the Licensing Act 2003 allow for the purchase or attempted purchase of alcohol in licensed premises by young persons under the age of 18 years at the request of a police officer acting in the course of their duty. It further allows a police officer in the course of their duty to send a young person under the age of 18 years into licensed premises to purchase or attempt to purchase alcohol without an offence being committed.

It an offence contrary to section 146(1) and (7) of The Licensing Act 2003 to sell alcohol to a person under the age of 18 years old.

On 18th September 2013 from 1800hrs I participated in a test purchase operation with two test purchasers. Test purchaser one was a female aged 17 years old, and test purchaser two was a female aged 17 years old.

Signature:



Signature witnessed by:



The operation involved three plain clothes officers, PS 18 Plascott and Police Staff 15527 Barrett. Their role in the operation was to monitor the test purchaser at all times, ensure their safety and give evidence in relation to any offences committed. My role was to ensure the safety of the test purchaser and to deal with any offences committed by the premises. Also present from Southampton City Council Trading Standards was Lucas Marshall.

At approximately 19:25hrs I attended Tesco Express, Lordswood Road, Southampton. I was advised by PS Plascott that a sale had been made at the premises. On attending, PS Plascott identified the staff member who had authorised the sale, explaining that the male member of staff had sold a bottle of cider, making no request for identification to confirm the age of the test purchaser.

I spoke with the female member of staff who gave her details as [REDACTED]

At 20:20hours, I commenced a contemporaneous interview with PENFOLD. I wrote the interview in my pocket note book.

I cautioned PENFOLD, informing her that she was not under arrest, that she was free to leave, and that she was entitled to obtain free and independent legal advice which I would be able to obtain prior to any questions being asked. PENFOLD confirmed that she did not wish to seek legal advice.

I asked 'DID YOU SERVE A FEMALE THIS EVENING, A YOUNG FEMALE?'

PENFOLD replied 'YES.'

I asked 'WHAT DID YOU SERVE HER WITH?'

PENFOLD replied 'I REALLY DON'T KNOW?'

I asked 'WHAT HAPPENED?'

PENFOLD replied 'TWO FEMALES WERE BEING ASKED FOR ID AT THE SELF SERVICE. MY ATTENTION WAS DRAWN TO THAT. I SERVED MY CUSTOMER AND SCANNED THE ITEM. I DIDN'T LOOK AT WHAT I WAS SELLING. I KNEW AFTER SHE LEFT THAT I SHOULD HAVE ASKED FOR ID.'

I asked 'WHAT IS THE CHALLENGE POLICY?'

PENFOLD replied 'THINK 25. SERVING ALCOHOL IF THEY LOOK UNDER 25, THEN I NEED TO ASK FOR ID?'

I asked 'DID YOU ASK FOR ID TONIGHT FOR YOUR LAST SALE OF BULMERS BLACK CHERRY?'

PENFOLD replied 'NO I SHOULD HAVE BEEN CONCENTRATING ON MY OWN CUSTOMER.'

Signature: [REDACTED] Signature witnessed by: [REDACTED]



I then said to PENFOLD 'I AM REPORTING YOU FOR THE SALE OF ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS.' I cautioned PENFOLD, to which she made no further reply.

I then invited PENFOLD to read what I had written, inviting her to sign to confirm that she was happy the content.

PENFOLD was issued with a fixed penalty notice in relation to the offence, the reference for which is 5010121-8.



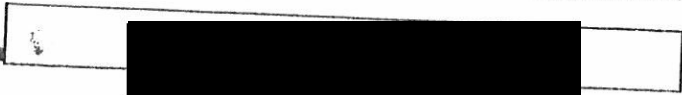
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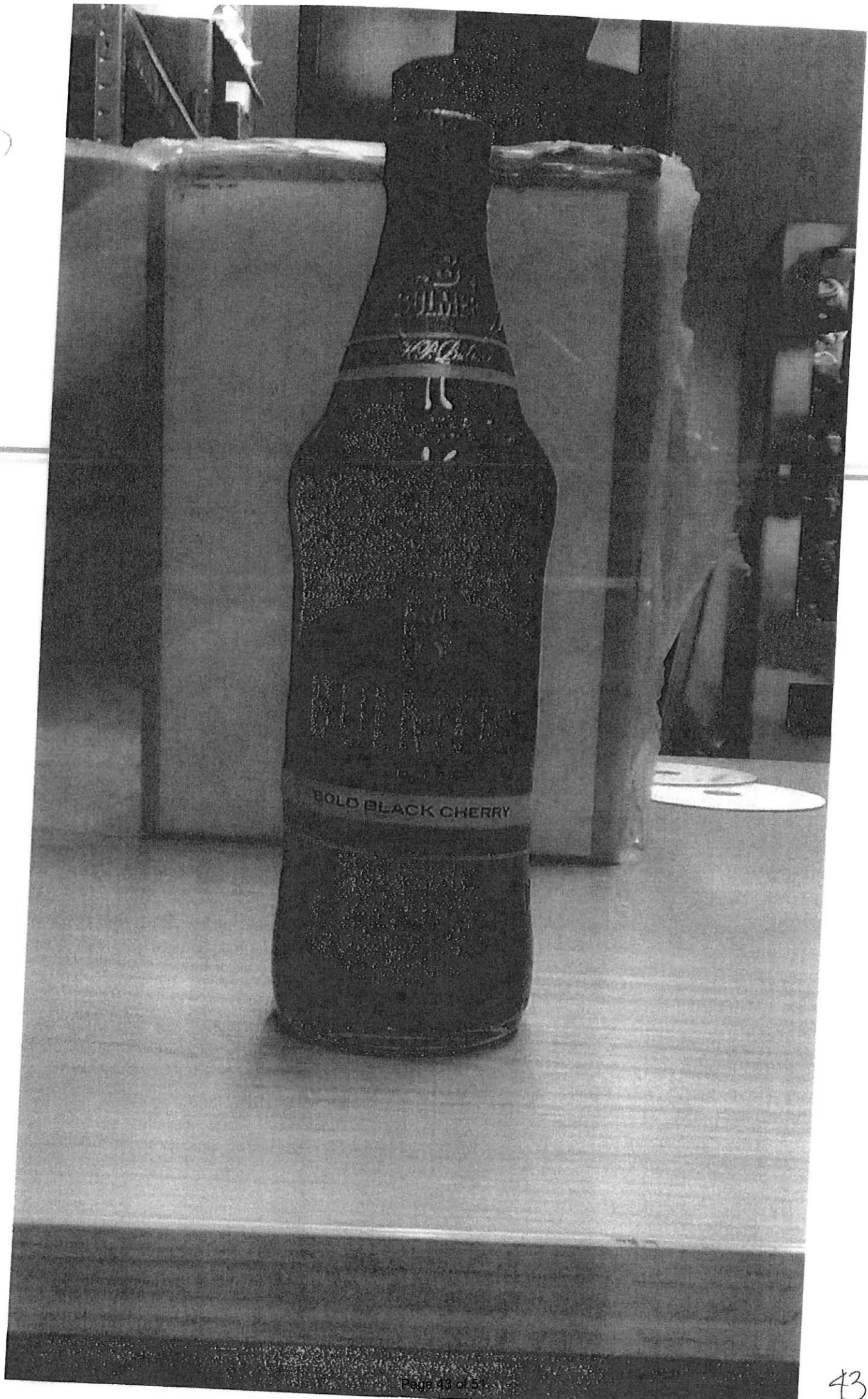


Signature witnessed by:



Signature: Signature witnessed by:





Trading Standards Service

Southampton City Council
Civic Centre
Southampton S014 7LY



Direct dial: 023 8083 4930
Fax: 023 8083 2656
Email: [REDACTED]

Please ask for: Lucas Marshall
Our ref: 13/01505/UAS
Your ref:

12th November 2013

Licensing
Southampton City Council
PO Box 1767
Southampton
SO18 9LA



Dear Sir/Madam

I write in support of Hampshire Constabulary's application for review, and request for revocation, of the Premises Licence for Tesco Express, Lordswood Rd, Southampton, on the grounds that the Premises Licence Holder, Tesco Stores Ltd, has repeatedly failed to support the Licensing Objectives to prevent crime and disorder and to protect children from harm.

The Police and Trading Standards share responsibility in the enforcement of the Licensing Act 2003 with regard to under age sales of alcohol. I have read PC Sharon Conway's application for the review of the above premises, which relates to 3 under age sales of alcohol which took place on the 28th December 2012, 8th August 2013 and 18th September 2013. Trading Standards Officers accompanied the Police on the latter two exercises. It concerns me greatly that a premises should fail test purchase exercises on this number of occasions, which in my experience happens rarely. Southampton Trading Standards shares Hampshire Constabulary's concern that the premises is failing to uphold the Licensing Objectives in relation to the Prevention of Crime and Disorder and Protection of Children from Harm objectives.

Hampshire Constabulary's application makes it clear that Police Officers have repeatedly advised the DPS regarding prevention of under age sales. Given that over a period of 9 months 3 sales have occurred to children, one of which was only 15 years old, it is apparent that their advice has not been effectively implemented at the premises. Likewise basic conditions, such as Challenge 25, which should have prevented the sales occurring have been breached.

With regard to the condition relating to keeping a written record of refused sales I had provided such a record book for the store's use, along with further advice regarding prevention of under age sales, on 29th February 2012, when I first visited the premises. Following the sale on 18th September 2013 I accompanied PC Sharon Conway to the premises and spoke to the seller, Victoria Penfold, and Duty Manager Darren Pattis. When shown the store's refusals record Ms Penfold said that she had not seen it or used it before. Mr Pattis said that staff are verbally advised regarding the refusals record, but there are no records of training relating to its use.

In terms of staff training regarding prevention of under age sales my impressions were generally good, however I got the impression that because a written refusals book was outside of the scope of precautions routinely imposed on stores by Tesco Stores Ltd it had been ignored.

Yours faithfully


Lucas Marshall
Trading Standards Officer

Cc Southampton Licensing Unit, Hampshire Constabulary, Central Police Station, Southern Road, Southampton SO15 1AN
Tesco Stores Ltd, Tesco House, Delamare Road, Cheshunt, Waltham Cross, Herts, EN8 9SL
Tesco Express, Lordswood Rd, Southampton, SO16 6LN

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.

From: Thomas, Don (Cllr)
Sent: 23 November 2013 13:59
To: Licensing
Subject: Tesco's Express Coxford Road

- Dear Licensing Team,
- I would like to make a representation in respect of the review of Tesco's Express Coxford Road Lordswood which is before the Licensing Panel in December 2013.

I and local residents have concerns regarding the prevention of crime and disorder public safety, the prevention of public nuisance, and the protection of children from harm

- Regards

Councillor Don Thomas

Coxford Ward

From: Thomas, Don (Cllr)
Sent: 03 December 2013 13:47
To: Licensing
Subject: Statement Councillor Don Thomas Tesco's Express

Statement Review of Tesco's Express Councillor Don Thomas

Thank you for allocating time for me to make a representation in respect of the review of Tesco's Express Coxford Road Lordswood

Local residents, including myself have real concerns regarding the prevention of crime and disorder public safety, the prevention of public nuisance, and the protection of children from harm.

This review called by the police here today is an opportunity to send a real strong message, to everyone including other traders in the area that selling alcohol to children will not be tolerated.

Whoever you are whether a sole trader or a big company like Tesco's we are not putting up with it.

Panel members will be aware that all wards across the city has its hot spots but It is vital that panel members are aware of this particular hot spot which has had a miserable, and heartbreaking history all on this location.

Years of anti-social issues and I certainly don't want to drag up all over again some of these matters from the past, we had thankfully moved on from those bad days.

But lets be clear it has taken persistent hard work and determination from the police with the safer neighbourhood team to eventually be successful with zero tolerance in calming down, and eventually getting on top of a dreadful state of affairs.

When we heard Tesco's Express was coming to open up on this spot some were anxious, including myself, but we told don't worry and we had assurances, we were told a big company like Tesco's will have all the necessary conditions, and the proper training for their staff it was all in place we were not to worry.

I have presented four letters from locals who all fear we will again hear the same sort of assurances.

But members what you don't have today are the phone calls I have had and you don't have the local residents who tell me "it makes no difference Don"

Tesco's Express don't need to sell alcohol to continue trading; Tesco's Express will continue trading on this location no matter what you decide today.

I'm asking for you to say "no more" "we won't put up with it" "enough is enough"

Selling alcohol comes responsibilities,

Selling to children is unacceptable no matter who you are.

Councillor Don Thomas

To

Don Can you please
Repersent me in the reviewing
of tesco express Lordswood
~~licence~~ Licence being
eliminated.

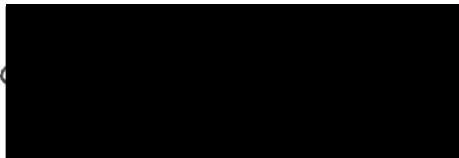
kind regards

Stephen Haines

245th Lordswood

SO16 5NU

aldermoore Rd



TO COMMILUR TOMIS.
I WOULD LIKE YOU TO
LOOK INTO TESCO EXP.
LORASWOOD ALCOHOL LICENCE.

R HEDGES. CHOSE
2007/08/13
5016885



Ryan Richard)

8 preshaw close
Southampton

to don Tomas i want you to look
into getting tesco Lisence taken away
due to the fact they have been selling
Althale to children.



23/11/13

MR JOHN HODGSON

196 ALDERMOOR RD, SOUTHAMPTON

To Dom Thomas as my local councillor

Please can you represent me and my decision
in permanently getting tesco's express in

Lordswood premises licence taken away for
ever, due to the fact they are irresponsible
when selling alcohol.

I have been a customer to tesco's + have witnessed
myself - 1st hand them selling alcohol to children

Kind regards



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