

Reference: 2013/01909/01SPRN

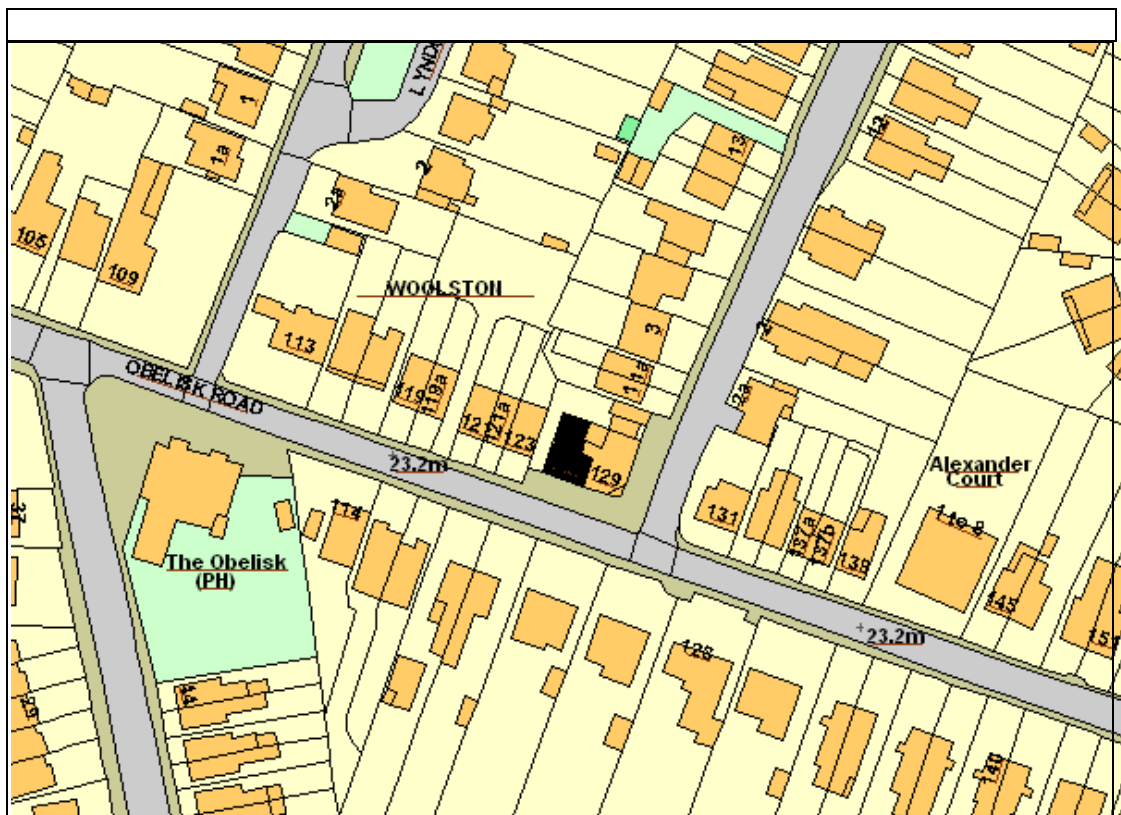
Hearing: **17th October 2013**

Application for Premises Licence

Premises Name: Devon Store
 Premises Address: 127 Obelisk Road
 Southampton
 SO19 9DN

Application Date: 16th August 2013
 Application Received Date: 21st August 2013

Application Valid Date: 21st August 2013



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

Other Representations

Name	Address	Contributor Type
None	Received	

Legal Implications

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

natural justice. The practical effect of this is that the committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

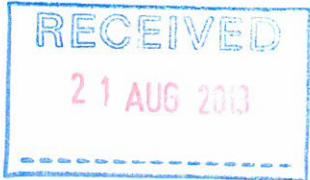
The committee must also have regard to:-

5. *Crime and Disorder Act 1998*

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

6. *Human Rights Act 1998*

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



Southampton City Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We IAN PETER YEOMAN (Insert name(s) of applicant)

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

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
DEVON STONE
127 OBELISK ROAD
Post town SOUTHAMPTON Post code SO19 9DN

Telephone number at premises (if any)
Non-domestic rateable value of premises £ 4800

£190

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as Please tick yes

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

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <i>YEOMAN</i>			First names <i>IAN PETER</i>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		<i>439 BURGESS ROAD</i>			
Post Town	<i>SOUTHAMPTON</i>		Postcode	<i>SO16 3BL</i>	
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)		<i>IYEOMAN@TALK TALK .NET</i>			

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	09	2013

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

Day	Month	Year

Please give a general description of the premises (please read guidance note1)

SMALL CONVENIENCE STORE
ALCOHOL TO BE SOLD FROM BEHIND THE
COUNTER
STOCK ROOM & SHOW ROOM
HAS FOUR CCTV CAMERAS WORKING TWENTY/
FOUR HOURS
SHOP HAS ELECTRICAL EQUIPMENT & STANDS
SHOP HAS THREE EXITS

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

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

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

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

J

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

K

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

L

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	07.00	23.00						
Tue	07.00	23.00						
Wed	07.00	23.00						
Thur	07.00	23.00				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	07.00	23.00						
Sat	07.00	23.00						
Sun	07.00	23.00						

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

Name	IAN PETER YEDMAN
Address	[REDACTED]
Postcode	[REDACTED]
Personal Licence number (if known)	2013/01951/025 PEN
Issuing licensing authority (if known)	SOUTHAMPTON CITY COUNCIL

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07.00	23.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	07.00	23.00	
Wed	07.00	23.00	
Thur	07.00	23.00	
Fri	07.00	23.00	
Sat	07.00	23.00	
Sun	07.00	23.00	

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

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

TRAINING IN THE SALE OF ALCOHOL
WORKING WITH LOCAL AUTHORITY
USE OF CCTV

b) The prevention of crime and disorder

USE CCTV TO DISCOURAGE CRIME AND
ANTI SOCIAL BEHAVIOUR

c) Public safety

WORK WITH LOCAL AUTHORITY IF THE
SALE OF ALCOHOL NEEDS TO BE RESTRICTED
AT ANY GIVEN TIME

d) The prevention of public nuisance

TRAINING IN UNDERSTANDING WHEN SALE
OF ALCOHOL MAY NEED TO BE RESTRICTED
OR REFUSED
USE OF CCTV

e) The protection of children from harm

TRAINING IN SALE OF ALCOHOL TO MINORS,
ALCOHOL TO BE SOLD FROM BEHIND THE
COUNTER

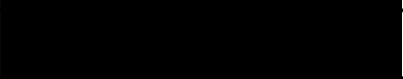
Please tick yes

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	16-8-2013
Capacity	MANAGER

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

Signature	
Date	
Capacity	

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

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			



HAMPSHIRE CONSTABULARY



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

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

Hampshire Constabulary wish to make a representation(s) regarding the grant or variation of a
Premises Licence or Club Premises Certificate issued under the Licensing Act 2003.
These representations must be made within 28 days

Postal address of premises or club premises:			
Devon Store 127 Obelisk Road			
Post town:	Southampton	Postcode:	SO19 9DN

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

Police Details

Hampshire Constabulary is a responsible authority.

Name and address: PC 22237 Sharon Conway Southampton Central Police Station Southern Road Southampton SO15 1AN
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This application to object relates to the following licensing objective(s)

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

Please select
one or more
boxes





HAMPSHIRE CONSTABULARY

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

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

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

- 1) The prevention of Crime and Disorder

The police have concerns over the application. These concerns are outlined below:

Devon Stores is a small convenience store located along Obelisk Road, in the Woolston area of Southampton. The store is currently owned and run by Mr Ugen Trofimov. It is a concern that the applicant, Mr Ian Peter Yeoman, is applying for the premises licence, but will not have day to day control within the business to be able to effectively support the licensing objective of preventing crime and disorder.

In June 2012, information was received by Hampshire Constabulary that foreign cigarettes were being sold from Devon Stores. In conjunction with Trading Standards, the premises was attended. The result of this visit is provided by Trading Standards.

On 21st August 2013, Hampshire Constabulary received an application for a grant of a premises licence for Devon Stores, Obelisk Road, Southampton. A meeting was arranged with the applicant, Mr Yeoman, to discuss the application.

Mr Yeoman has applied to be the premises licence holder and the DPS. The role of the DPS is to have day to day control over the business, making sure that the licensing objectives are not undermined, and to be a point of contact for the responsible authorities.

The meeting was attended by PC Sharon Conway and Lucas Marshall from Trading Standards. Mr Yeoman explained that he had come to know Mr Trofimov through using the store for the past year as a customer. Due to employment circumstances, a suggestion had been put forward for a premises licence to be obtained, and for this licence to be applied for by Mr Yeoman. A position as a member of staff could then be found for Mr Yeoman. Mr Yeoman explained that he then obtained his personal licence in order to make the application.

In the meantime, Mr Yeoman explained that he has been able to find full-time employment with ECM at Dock Gate 4. Mr Yeoman explained that, should a premises licence be granted, he will split his time between his full-time job from 0600am to 1600hrs, then work evenings and weekends at Devon Stores, until 2200 hours.



HAMPSHIRE CONSTABULARY

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

Mr Yeoman explained that he anticipated only being responsible maintaining compliance with the Licensing Act 2003, and adhering to the premises licence. Mr Trofimov would be responsible for stock order and the general day to day running of the business.

The concerns of non duty paid products being sought without his knowledge was put to Mr Yeoman. Mr Yeoman stated that he was fully aware that he was liable for any offences under the Licencing Act 2003, and would not tolerate any unlawful activity at the store, or any illicet products being sold by the store. However, the fact remains that Mr Yeoman does not have any control in the business, and may not in fact have the influence required to prevent the licensing objectives from being undermined when he is not there.

As for his role as the DPS, Mr Yeoman stated that he would be working most evenings and weekends at the store, and would be able to fulfil his role. Hampshire Constabulary are seriously concerned that the licensing objective to prevent crime and disorder will be undermined with this situation. The role of the DPS and the responsibilities placed on the role can be demanding enough, without the added pressure of the DPS having primary employment elsewhere. Hampshire Constabulary are concerned that, as the role of DPS will be secondary to his main employment, the licensing objectives will be undermined as there is a real likelihood that Mr Yeoman will become an 'absent' DPS.

Following the meeting, Mr Trofimov phoned Hampshire Constabulary Licensing team, speaking to PC Conway. He explained that he wanted Mr Yeoman to be in full control regarding the alcohol and Licensing Act. This would be to include ordering and sourcing stock, much as a manager in a multiple company store would be. When asked why he had not made the application himself, given that Devon Stores is his own business, Mr Trofimov stated that he was 'too busy'.

The fact that this conversation was held shows that already there is some misunderstanding between the roles that both parties will play. Mr Yeoman would appear to accepting that in the main he will in effect be an absent DPS and leave the day to day running of the premies to Mr Trofimov, yet Mr Trofimov would appear to be thinking that Mr Yeoman would be doing a lot more. This gives us great concern that either way, the parties involved do not fully understand nor do they have respect for the Licensing Act or its objectives and should this licence be granted these objectives would be undermined.

Mr Yeoman himself came across as competant and honest. However, the circumstances surrounding this application for a premises licence, where the premises licence holder and DPS does not have a primary role in any part of the business, raises issues of preventing crime and disorder. Hampshire Constabulary are requesting that the premises licence is not granted for this application.



HAMPSHIRE CONSTABULARY

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

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

Hampshire Constabulary request that a premises licence is not granted.

Should a premises licence be granted, the following conditions are requested to be applied -

1) CCTV

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with 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.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

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In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

2) Refusals book

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.



HAMPSHIRE CONSTABULARY

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

3) Challenge 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

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.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

4) Training-

The DPS should also complete a nationally recognised Level 2 DPS course or equivalent depending on provider, before taking up the post.

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

5) Storage



HAMPSHIRE CONSTABULARY



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

All alcohol for sale is to be displayed and stored behind the counter.

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

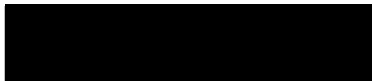
Part 3 – Signatures *(please read guidance note 3)*

Recommendation of Police Officer

[Empty box for Police Officer recommendation]

Signature of Police Officer Completing

Signature:



Date:

16/9/13

Recommendation of Police Sergeant

[Empty box for Police Sergeant recommendation]

Signature of Police Sergeant





HAMPSHIRE CONSTABULARY



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

Signature:

Date: 16/09/13

Decision of Police Licensing Inspector

I Gully support this objection, the grounds are clearly set out by PC Conway and point to genuine concerns that the licensing objectives will NOT be met.

Signature of Police Licensing Inspector

Signature:

Date: 16/09/13 Inspector 2841 Justin ROBERTS

NOTES FOR GUIDANCE

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for representation if available.
3. The representation form must be signed.



Trading Standards Service

Southampton City Council
Civic Centre
Southampton S014 7LY



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

Please ask for: Lucas Marshall
Our ref: 12/01428/SAFETY
Your ref:



16th September 2013

Licensing
Southampton City Council
PO Box 1767
Southampton
SO18 9LA



Dear Sir/Madam

I write with reference to Ian Peter Yeoman's application as a Premises Licence Holder at Devon Stores, 127 Obelisk Rd, Southampton, SO19 9DN, a copy of which has been received by this Service. I wish to notify you of my objection to the granting of a licence to Mr Yeoman, and outline my reasons for the objection below.

For information Mr Yeoman is not currently employed at Devon Stores, nor is he an owner of the business. The business is owned and run by Ugen Trofimov.

In September 2012 this Service received intelligence from the Police that illegal cigarettes were being sold by Mr Trofimov at Devon Stores. The complainant provided a pack of the cigarettes to me which he alleged were being sold. They were non-UK duty paid Winstons. I have seized numerous illegal cigarettes from premises before and these were not of a type I had come across.

On 3rd September 2012 I inspected the premises and seized 25 packets of non-UK duty paid Winston cigarettes. I found these behind the shop counter. Mr Trofimov claimed that they were for his own use. I did not believe him, and invited Mr Trofimov to attend interview to further discuss the matter, however he refused to do so. He did make a false allegation to my Senior Officer, alleging that I had pushed him during the inspection. This was investigated and later Mr Trofimov admitted that it had not happened.

Offences are committed under Section 12 of the Consumer Protection Act 1987 for selling cigarettes which are not labelled in accordance with the Tobacco Products (Manufacture, Presentation and Sale)(Safety) Regulations 2002 (as amended), as was the case with the Winston cigarettes seized. For licensed premises it is an offence under Section 144 of the Licensing Act 2003 to have smuggled goods on a premises. Paragraph 11.27 of the amended guidance issued under Section 182 of the Licensing Act 2003 states that there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously, which includes the sale of smuggled tobacco. Paragraph 11.28 goes on to state that should a review arise relating to such matters revocation should be considered.

Following receipt of Mr Yeoman's licence application I phoned Mr Trofimov and asked him why he had not applied for the licence. He said that he was too busy. I asked him about his business relationship with the applicant and he claimed that Mr Yeoman was his business partner. I then phoned Mr Yeoman who denied that he was the case. His only current link with the store is that his girlfriend lives nearby, and he uses the shop and thereby knows Mr Trofimov.

Due to concerns over the application PC Sharon Conway and I met with Ian Yeoman on 30th August 2013. He confirmed that he does not currently work at Devon Stores, and that he has a full time job working for a company called ECM, which is located near to Dockgate 4. He works there from 6am to 4pm. If the licence application is successful he will continue to work full time for ECM and will also work at Devon Stores between 5pm and 10:00pm, and at the weekends. If the application is unsuccessful he will not work at Devon Stores. He has only recently become a personal licence holder, and has not previously been a Premises Licence Holder or DPS. He has had previous experience in retail, however that was some 20 years ago.

During the meeting I outlined my concerns regarding the presence of non-duty paid cigarettes at Devon Stores to Mr Yeoman. He said that he would not tolerate the sale of illicit cigarettes and alcohol in the shop and would check the shop for their presence. Mr Yeoman appears to be a competent and honest person, however my concern is that he is not part of the controlling mind of the business, and as such he would have limited control over Mr Trofimov's activities, which Mr Yeoman accepted, particularly given that he would not be present at the premises during the day. I asked Mr Yeoman if he knew why Mr Trofimov had not applied for the licence and he said that he thought it may be due to the issues that we had had with the cigarettes.

For the above reasons I do not believe that Mr Yeoman will be able to ensure that the Prevention of Crime and Disorder Licensing Objective will be met, and I therefore object to a licence being granted. Should a licence be granted I would ask that the following conditions be imposed:

Record Keeping

The Premises Licence Holder must keep, for a period of 24 months, complete records, such as invoices, receipts and delivery notes, relating to alcohol and cigarettes obtained by him for sale from his shop. Records must include the name, address and telephone number of the supplier, the date of supply, the products supplied, and their prices. Where items have been delivered to his shop by a vehicle details of the vehicle registration, the name of the delivery person and contact details including the name, address and telephone number for the business must be kept. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol and cigarettes present at his premises.

CCTV

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with 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.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

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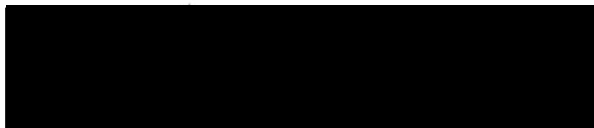
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Storage

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Yours faithfully



Lucas Marshall
Trading Standards Officer

Cc. Southampton Licensing Unit, Hampshire Constabulary, Central Police Station, Southern Road,
Southampton SO15 1AN
Ian Yeoman, 439 Burgess Rd, Southampton SO16 3BL
Ian Yeoman, Devon Store, 127 Obelisk Rd, Southampton SO19 9DN

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.