

Reference: 2014/00040/01SPRV

Hearing:

27th February 2014

APPLICATION TO VARY A PREMISES LICENCE

Premises Name: **Aldermoor Convenience Store**
 Premises Address: 237 - 239 Aldermoor Road
 Southampton
 SO16 5NU

Application Date: 3rd January 2014

Application Received Date: 6th January 2014

Application Valid Date: 6th January 2014



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Representations From Responsible Authorities

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

Hampshire Fire And Rescue - Licensing	Yes	
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
NONE		

Legal Implications

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a major variation of a 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 variation, 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 it's 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 persons Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

Application to vary a premises licence 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 in written black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We Balkar Singh Pottiwal**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

Premises Licence Number 2012/01607/01SPRN

Online Reference ESCC00005386

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference, or description 237-239 Aldermoor Road Coxford Southampton	
Post town Southampton	Post code SO16 5NU

Telephone number at premises (if any) Non-domestic rateable value of premises **Part 2 – Applicant details**

Name Mr Balkar Singh Pottiwal

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

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

If not do you want the variation to take effect from

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Schedule 12 Part A Premises Licence, Annex 3

1 (i) Alcohol to be displayed on shop floor for customers to pick off the shelves (with the exception of spirits)

(iii) One members of staff between the hours of 18:00hrs to 23:00hrs without the need for door staff

(iv) One member of staff between the hours of 06:00hrs to 18:00hrs

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

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 for:

- 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)

Sale by retail 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 <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri				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)		
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 <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri				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)		
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)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<u>Please give further details here</u> (please read guidance note 3)
Tue					
Wed					
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		<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			
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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 <input checked="" type="checkbox"/> (please read guidance note 2).	Indoors	
				Outdoors	
Day	Start	Finish	Both		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2).	Indoors	
				Outdoors	
Day	Start	Finish	Both		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur					

Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

G

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

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Fri			
Sat			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun			

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

K

Provision of facilities for entertainment of a similar description to that falling within J or K Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoor	
				Outdoor	
Mon				Both	

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			
Fri			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)
Sat			
Sun			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 j or k at different times to those listed in the column on the left, please list (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 <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors	
Day				Start	Finish
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night entertainment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					



M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box ✓) (please read guidance note 7)	On the premises				
				Off the premises	✓			
				Both				
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	06:00	23:00						
Tue	06:00	23:00						
Wed	06:00	23:00						
Thur	06:00	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	06:00	23:00						
Sat	06:00	23:00						
Sun	06:00	23:00						

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)

There are no 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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	22:00	
Tue	07:00	22:00	



Wed	07:00	22:00	Non standard timings. Where you intend to use 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)
Thur	07:00	22:00	
Fri	07:00	22:00	
Sat	07:00	22:00	
Sun	07:00	22:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Schedule 12 Part A Premises Licence, Annex 3

1 (i) Alcohol to be displayed on shop floor for customers to pick off the shelves (with the exception of spirits)

(iii) One members of staff between the hours of 18:00hrs to 23:00hrs without the need for door staff

(iv) One member of staff between the hours of 06:00hrs to 18:00hrs

I have enclosed the premises licence Please tick ✓ yes

I have enclosed the relevant part of the premises licence If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

The premises are a family run general convenience store. We aim to provide excellent customer service including the sale of alcohol to responsible customers. We have many years experience in running convenience stores within Southampton. This store has been running an off license for over a year now, we have used our experience in becoming a well run and well respected retailer. We take our responsibilities very seriously; we have adhered to all of our conditions. We will continue to work with the Police and other authorities to promote all four licensing objectives.

b) The prevention of crime and disorder

We will communicate regularly with the Police and make available any CCTV recorded images, will train staff regularly in crime prevention measures appropriate to the premises, raise awareness of safe drinking, continue to enforce a policy to prevent underage sales (challenge 25) and insist on production of proof of age cards, will enforce all procedures for combatting violence and anti social behavior, will ensure intoxicating liquor is not sold to anyone where there are grounds to believe the sale would result in crime and disorder, will only use responsible drinks promotion e.g set by "premier". Spirits to be kept behind the counter by till; Continue to use "EPOS" system on all tills which prompts to ask for ID on any restricted items then if refused it will print out a slip to allow the till operator record the details of the person and will continue to operate external and internal CCTV (16 cameras)

c) Public safety

The layout of the premises has been designed to ensure the safety of the public and staff: all requirements of the Fire Authority are complied with. All fire doors maintained effectively.

Health and Safety regulations are applied to these premises.

d) The prevention of public nuisance

The responsible sale of alcohol and the procedures described in paragraph b) will help to in the prevention of public nuisance. We as always will be vigilant to ensure the operation of the business does not pose a risk of public nuisance on or in the vicinity of the premises.

e) The protection of children from harm

The protection of children from harm is of paramount importance to us, we will continue to operate challenge 25 with posters displayed throughout the store, with all individuals appearing to be under the age of 25 asked to produce ID (e.g. photo card driving license, a passport, a proof of age card bearing the PASS hologram), all staff are regularly trained in the sale of alcohol. All members of staff will follow all the above procedures; regular training and refresher training will be given.

The till will continue to prompt the user to ask for ID on all restricted products, a refusal register is kept up to date and reviewed weekly.

Please tick ✓ yes

- I will make the payment of the fee £ 190.00
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (please read guidance note 11) If signing on behalf of the applicant please state in what capacity.

Signature Mr Balkar Singh Pottiwal 

Date 3rd January 2014

Capacity

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note12) If signing on behalf of the applicant please state in what capacity.

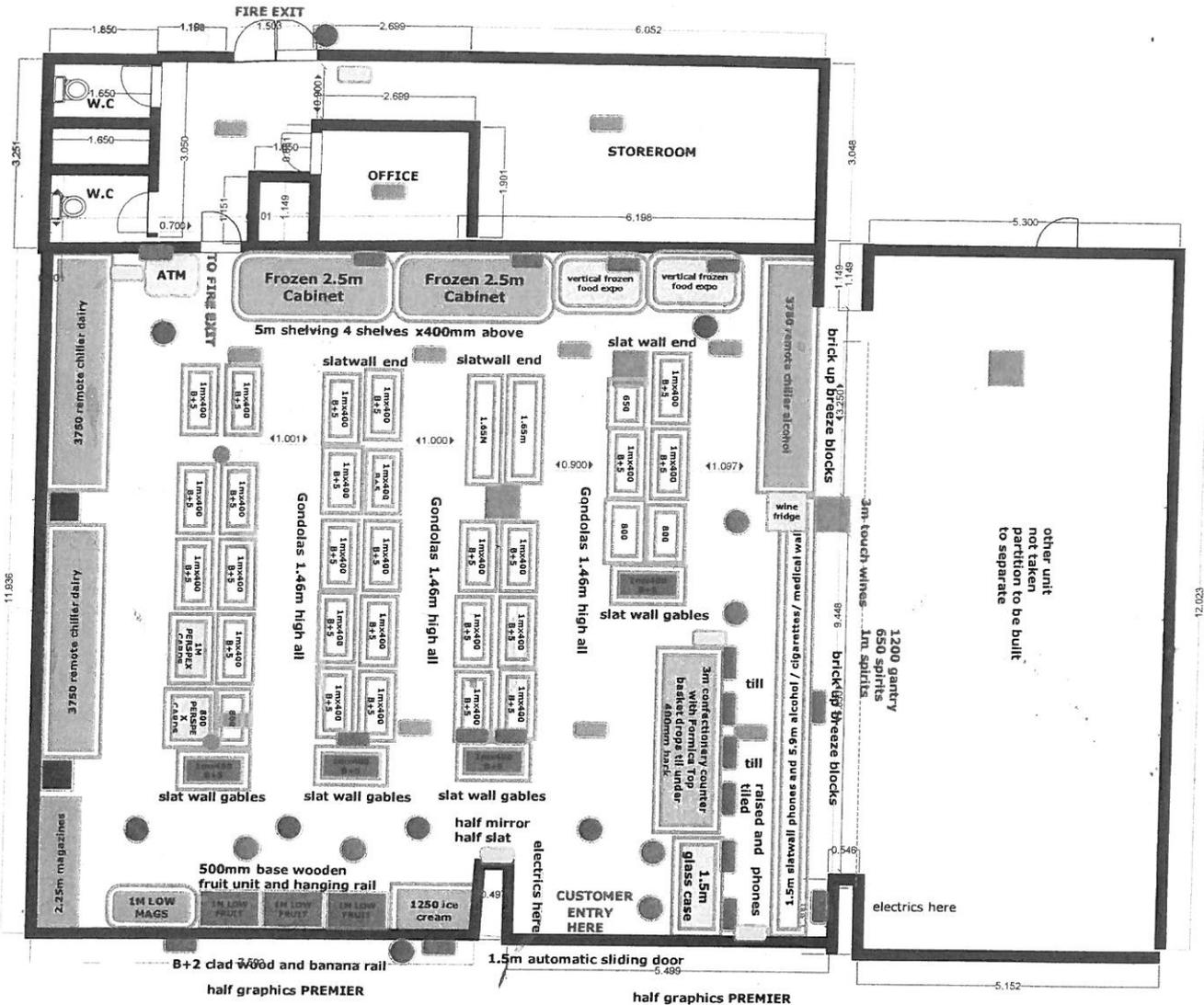
Signature

Date

Capacity

Contact name (where not previously given) and 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)	





**MR BALBIR POTTIWAL
PREMIER
239-241 ALDEMOOR ROAD UNITS X2 (SAME LEVEL)
SOUTHAMPTON so16 5nu
07973-280072**

3 phase electric supplies in building.(make compressors 3 phase)

8 emergency bulkheads to shop area, 2 for store.(10 in total)

kudos flooring on latex 1921 silver slate.

concrete floor - rubbish cleared - clear site.

suspended ceiling and lighting 60 x 60x60mal lighting. Height TBC.

162 sq/m of retail shop area.

customer to supply breeze blocks and mortar. AG to supply labour to build breeze wall the length of building (unit 3 - blocking off).

columns inc doorway half mirror/half slat maple/cream

300mm maple banders at the top for Sign 2000 to put raised Premier letters on.

AG to install 16 night/day camera system 32" lcd tv. 30 day DVR Record on motion detect mounted above middle gondola on ceiling fixing bracket.

3.80

- designates emergency lighting x10 (2 for storeroom)
- designates fire extinguishers position
- designates double socket point
- designates spot lights energy saving 2x26w lamps
- designates cctv camera night /day camera exterior anti vandal cameras. interior - dome cameras.

scale for liquor licence 1:100



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:			
Aldermoor Convenience Store 237-239 Aldermoor Road Coxford			
Post town:	Southampton	Postcode:	SO16 5NU

Name of premises licence holder or club holding club premises certificate (if known)
Mr Balkar Singh Pottiwal

Police Details

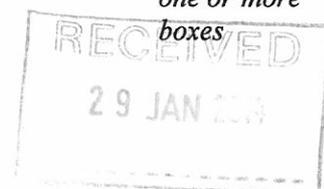
Hampshire Constabulary is a responsible authority.

Name and address:
PC 22237 Sharon Conway Southampton Central Police Station Southern Road Southampton SO15 1AN

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

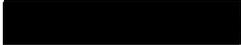
- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

Please select
one or more
boxes





HAMPSHIRE CONSTABULARY



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

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

On behalf of the Chief Constable, Hampshire Constabulary are making representations to the application to vary the operating schedule conditions for the premises licence at Aldermoor Convenience Store, Aldermoor Road, Southampton.

The application, dated 3rd January 2014, seeks to remove the following conditions:

- All alcohol is to be stored behind the sales counter, unless it is kept within a locked cabinet (to which only staff shall have access)
- The premises shall have one member of door staff to monitor the entrance / exit on any day the premises are open for the sale of alcohol between the hours of 1800hrs and 2300hrs (earlier if the premises is closed).
- In addition to the door staff (when applicable) the premises shall have a minimum of two members of staff working at any given time.

Mr Pottival wishes for alcohol to be displayed on the shop floor for customers to pick off the shelves (with the exception of spirits), with only one member of staff being present from 0600hrs to 2300hrs, without the need for door staff.

Hampshire Constabulary believe that, for this premises, the proposed variations in the conditions will undermine the licensing objectives to prevent crime and disorder, prevent public nuisance, and protecting children from harm, resulting in an unreasonable impact on the local community.

The Statement of Licensing policy, paragraph 2.13 states 'The Licensing Authority strongly encourages licence holders to have regard for the actual and potential impact of their business both on their neighbours and neighbourhoods and do all that is reasonably possible to limit such impact.' The removal of the highlighted steps, with no other proposals in place, does not show regard for the neighbourhood, and the potential impact on the community.

Mr Pottival was granted a premises licence on 20th September 2012, following objections from police and residents to the grant of an alcohol premises licence. Since this time, it is understood that alcohol has been sold from the store after 1400hrs each day, when staffing levels are compliant with the current conditions.

The local community and community leaders recently raised concerns again that the history of antisocial behaviour in the Aldermoor area is still at the forefront of their minds. The Aldermoor area has been described as having a 'miserable and heartbreaking history'. The current situation, although





HAMPSHIRE CONSTABULARY

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

not at the levels of anti-social behaviour previously brought to the Licensing Authority, still has issues such as groups hanging around causing damage, including damage to telephone kiosks and passing buses, amongst others reported incidents. This includes reports of large groups drinking in stairwells, to the extent that the callers fear abuse should they themselves ask the groups to move away. A snap shot of reported incidents during 2013 is provided in Annex A.

Due to the fears of the police and residents that the area would go back to the problems of 2006, the conditions that were imposed on granting the licence can be argued, on the balance of probabilities, that they have been and remain effective and proportionate in upholding the licensing objectives. Staffing levels have been appropriate to deal with issues when they have arisen at Aldermoor Stores. The location of the alcohol, with no free access to customers, has succeeded in the purpose of protecting children from harm and preventing crime and preventing public nuisance from Aldermoor Stores.

Mr Pottival approached Hampshire Constabulary to discuss a variation to the operating schedule during 2013. Mr Pottival has been honest in his reasons, being that they are too restrictive. Currently, Aldermoor Stores does not offer alcohol for sale prior to 1400hrs, as they only have one person present at the store prior to this. Mr Pottival has indicated in meetings that should the conditions be removed, he is proposing to operate at these levels. Alcohol will be freely available to customers with only one member of staff present at any point during licensable trading hours.

This is not a situation which Hampshire Constabulary can support in the Aldermoor area, given the history and current, remaining fears in the community. The propensity and risk of alcohol related anti-social behaviour remains, and puts the store in a very vulnerable position in upholding the licensing objectives. However, Hampshire Constabulary recognise that there is room for amendments to the current operating schedule. The concerns were discussed, and a proposal put forward by Mr Pottival for minimum staffing levels of one person present until 1800hrs, with a minimum of two staff present thereafter. This proposal is outlined in a letter to PC Conway dated 24th October 2013, Annex B.

The proposal did not consider the periods of school holidays and bank holidays, where there is an increased risk of antisocial behaviour and related incidents. PC Conway discussed with Mr Pottival the preferred condition where there would be a minimum of two members of staff during these periods. For a premises such as Aldermoor Stores, taking into account the size of the premises and its location, it was felt that a minimum of two members of staff was proportionate and necessary. Annex C, which is a graphical indication based on over 200 incidents reported during 2013 in the area highlighted in Annex E, indicates the number of incidents each week. This shows that reports of anti-social behaviour remains fairly constant. This would support the current condition that two members of staff should be at the premises at all times. On looking at the times that the incidents are reported, there is a clear rise in reported incidents from 1400hrs, remaining consistent throughout the evening, as depicted in Annex D.

As the licensing authority encourages a licensed premises to do all that it reasonably can to limit the impact of the business on the neighbours and neighbourhood, an amendment to the levels of staffing



HAMPSHIRE CONSTABULARY



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

to a minimum of two members of staff after 1400hrs each day, and when the premises is open for licensable activities on weekends, school holidays and bank holidays may be felt to be a suitable, proportionate alternative to the current condition. This proposal is reliant on alcohol remaining behind the counter or securely locked, as per the current condition.

Currently alcohol at Aldermoor Stores remains behind the counter, or securely locked. This condition remains relevant and proportionate to this premises. Although there are reports from members of the public and other businesses in the immediate area that groups of young people are causing issues, there is very little to suggest that Aldermoor Stores are targetted for thefts and do not suffer from groups waiting opportunities to commit crime and cause further public nuisance. Should this condition be removed, Hampshire Constabulary strongly believe that the current situation will radically change, resulting in the fears of the community coming to fruition. Even if the staffing and SIA staff conditions remain in place, the impact of the removal of this condition, we believe, will be detrimental to the community and the licensing objectives.

Hampshire Constabulary are willing to compromise on the removal of the SIA member of staff after 1800hrs. This is subject to the alcohol storage condition remaining and suggested staffing condition being implemented. Should the staffing levels be reduced to a minimum of one person, then Hampshire Constabulary believe that SIA staff should remain present in the evening, as is the current situation. As stated above, Aldermoor Stores have been adequately staffed to be able to deal with issues that have occurred, however this is based on three people being present after 1800hrs. There is an increase of incidents reported during the evening period, which supports the requirement of an extra person who is suitably qualified. However, if two members of staff are present during this period, and the alcohol remains behind the counter, the impact on the licensing objectives could be considered reasonable.

It is felt that a stepped approach should be made in amending the current operating schedule, to balance the potential impact any changes will bring against what is necessary to support the licensing objectives. Removal of the conditions as applied for to be replaced with a local agreement between Aldermoor Stores, Mr Pottiwail and Hampshire Constabulary will not be suitable. Despite discussions in October 2013, where proposals were made by Mr Pottiwail, the application to vary the conditions does not reflect the outcome of these discussions.

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

Hampshire Constabulary consider the following to be a fair and proportionate compromise in amending the existing conditions:

- The premises shall have a minimum of two members of staff each day from 1400hrs to closing, and when the premises is open for licensable activities on weekends, school holidays and bank holidays. At all other times, staffing levels will be risk assessed by the DPS. A record of this risk assessment





HAMPSHIRE CONSTABULARY



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

will be kept at the premises for a minimum period of 3 months.

- No change to the condition 'All alcohol is to be stored behind the sales counter, unless it is kept within a locked cabinet to which only staff shall have access to.'

- Removal of the condition 'The premises shall have one member of door staff to monitor the entrance / exit on any day the premises are open for the sale of alcohol between the hours of 1800 and 2300hrs.'

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

The application to vary the operating schedule is not granted in full, but the above amendments made.

Signature of Police Officer Completing

Signature:

Date: 28/01/14

Recommendation of Police Sergeant

I agree with the above recommendation. Currently the premises is operating successfully with its current conditions. To go with the application is far removed from these conditions and could well seriously undermine the licensing objectives.

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:

..... 28/01/14

Decision of Police Licensing Inspector

The recommendations demonstrate that any change to existing conditions would undermine the licensing objectives, as they are stated by PC Conway will ensure the community is given added safety from harm.

Signature of Police Licensing Inspector



Signature:

Inspector 2841 Justin ROBERTS

Date:

..... 28/01/14

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.



Incidents of note
Aldermoor Road by the shops

1)	44130039762	ASB Nui - Rowdy and Inconsiderate Behaviour	31/01/2013 17:48	<p>Filed - ALDERMOOR CLOSE SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 5ST (ALDERMOOR HEALTH CENTRE) INFT IS REPORTING 5 MALES THAT ARE SUS THAT ARE DRINKING IN THE LOCATION. THEY HAVE BEEN ASKED TO LEAVE. // INFT SAYS THAT THEY APPEAR TO; BE TOO YOUNG TO BE DRINKING AND THAT ONE OF THEM HAS A CRASH HELMET. NO BIKE HAS BEEN SEEN. THIS IS WHY INFT SEES THIS TO BE SUS. // INFT DOESN'T KNOW WHY THEY ARE THERE AND DOESN'T KNOW WHO THEY ARE // ITS NOT A REGULAR PROBLEM // ITS VERY DARK AND THE CARPARK ISN'T LIT, INFT IS CONCERNED FOR THE WORK COLLEAGUES AS THEY ARE LEAVING WORK AT THIS TIME AND MOST OF THE COLLEAGUES ARE FEMALE. // THEY HAVE BEEN ASKED TO LEAVE AND THEY HAVEN'T AT THIS TIME. // DOESN'T KNOW WHY ITS HAPPENING TONIGHT. / CFT** // INFT IS WORKER AT THE LOCATION / THE LOCATION IS NOT REPEAT</p> <p>Filed - 0 ALDERMOOR ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom INFT REPORTING DRUNK YOUTHS IN AREA - URINATING AGAINST THE FENCE AND HANGING AROUND IN THE CAR PARK. THEY ALSO KEEP COMING INTO THE BLOCK. / DESCS // 1. FEMALE - LEATHER JACKET / 2. MALE - SANDY/BEIGE COLOURED BOMBER JACKET. / 3. MALE - GREY HOODIE. // NFD. // SD71 - GRP STARBURST / *** RESULT *** // *OFFICERS ATTENDED - GROUP STARBURST*</p>
2)	44130070453	ASB Nui - Rowdy and Inconsiderate Behaviour	24/02/2013 00:03	<p>Filed - 245 ALDERMOOR ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 5NU (CAPTAIN CODS FISH & BURGER BAR) INFT REPORTS 2 YOUNG FEMALES IN THE TK NEAR TO ABOVE LOCATION CAUSING DAMAGE -THEY ARE SMASHING THE RECEIVER AGAINST THE SIDE OF THE TK // GROUP OF 4 YOUTHS IN TOTAL - 2 BOYS AND 2 GIRLS - AGED APPROX 11-12 YRS / IT IS THE 2 GIRLS CAUSING DAMAGE - ONE IN RED TOP AND ONE IN GREEN TOP // THEY ARE THERE NOW / NFD / SD73 - THERE IS NOT DAMAGE TO THE T/K. WILL HAVE A LOOK AROUND FOR THE YOUTHS.</p>
3)	44130080270	Suspicious - Other	03/03/2013 14:08	<p>Filed - 197 ALDERMOOR ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 5NQ FOLLOWING AN ALTERCATION AT THE AGG'D'S SHOP, THE AGG'D WENT TO SEE THE SUSPECTS FATHER WHEN HE WAS PUNCHED AND JUMPED ON BY THE SUSPECT WHO REPEATEDLY PUNCHED HIM IN THE FACE AND HEAD CAUSING LUMPS ON THE AGG'D'S SCALP</p>
4)	44130096942	Assault	15/03/2013 19:04	<p>Filed - 0 ALDERMOOR AVENUE SOUTHAMPTON, HAMPSHIRE United Kingdom BUS HAS HAD TWO WINDOWS SMASHED BY YOUTHS BELIEVED THROWN BRICKS, NO NAMES OF OFFENDERS OR ANY PARTICULAR DESCS, HAD REPORTS FROM THREE DRIVERS THIS EVE OF THE PROBLEMS IN THE AREA, NO CCTV</p>
5)	44130099248	Criminal damage	17/03/2013 19:41	<p>Filed - 0 ALDERMOOR ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom VEHICLE LEFT LOCKED AND SECURED ON THE ROAD IN ALDERMOOR ROAD BY THE SHOPS. BETWEEN TIMES STATED PERSONS UNKNOWN HAVE CAUSED DAMAGE TO THE VEHICLE. THE DRIVERS SIDE WINDOW HAS BEEN SMASHED.NO ENTRY TO THE VEHICLE HAS BEEN GAINED.</p>
6)	44130115724	Criminal damage	30/03/2013 21:42	<p>Filed - 237-239, ALDERMOOR ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 5NU HUNT enters stores and is asked to remove his hoody which is concealing his face. This is the shops policy. Becomes very aggressive, threatens violence against the members of staff including spitting and uses racial abusive words while committing this public order offence.</p>
7)	44130125554	Public order	08/04/2013 11:14:00 - occurred 15/03	<p>Filed - 0 ALDERMOOR ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom male pushed into a bus stop by an unknown youth who was part of a group of three. group then ran off.</p>
8)	44130160394	Assault	03/05/2013 22:23	<p>Filed - 0 COXFORD ROAD LORDSWOOD, SOUTHAMPTON, HAMPSHIRE United Kingdom INFT REPORTING THAT BETWEEN THE TIMES STATED THE BUS WAS ON ROUTE AND WAS BY THE ALDERMOOR HEALTH CENTRE/WOODMAN PUB. IT PULLED OUT OF THE BUS STOP AND THE DRIVER HEARD A SUDDEN BANG AND THE WINDOW SHATTERED. THIS HAS BEEN DONE BY PERSONS AND MEANS UNKNOWN. /</p>
9)	44130179749	Criminal damage	18/05/2013 17:06	<p>Filed - 0 ALDERMOOR ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom - btwn stated times 2 youths have thrown objects at the bus causing damage to a window</p>
10)	44130185331	Criminal damage	22/05/2013 16:38	<p>Filed - ALDERMOOR CLOSE SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 5ST (ALDERMOOR HEALTH CENTRE) INFT HAS JUST SEEN A MALE YOUTH SMASH GLASS OF BUS SHELTER O/S THE HEALTH CENTRE. // INFT BELIEVES GROUP OF YOUTHS WERE THROWING STONES AND THE GLASS SMASHED, THE MALE THEN WENT OVER AND PUSHED OUT THE SHATTERED GLASS. // IC1 MALE, AGED APPROX. 11-13YRS, WEARING WASHED OUT NAVY HOODY, DARK JEANS. IS NOW OUTSIDE "PREMIER" SHOP WITH GROUP OF APPROX. 7 MALE AND FEMALE YOUTHS. /</p>
11)	44130185619	Suspicious - Other	22/05/2013 18:52	

Incidents of note
Aldermoor Road by the shops

12)	44130228463	Assault	22/06/2013 19:31	<p>Filed - 245 ALDERMOOR ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 5NU (CAPTAIN CODS FISH & BURGER BAR) INFMT HAS JUST RECEIVED A CALL FROM ONE OF HIS STAFF MEMBERS AT THE SHOP REPORTING A GROUP OF YOUTHS OUTSIDE CAUSING A NUISANCE. // INFMT STATES IT IS A REGULAR PROBLEM. // ASKING FOR AN OFFR TO ATTEN PLEASE. // // // ***CFT RESEARCH*** // COMMAND CENTRAL - MULTIPLE REPORTS OF VARIOUS ASB IN THE AREA NEARBY IN THE PAST 3 MONTHS // SAFETYNET - NOTHING RELEVANT // CFT MATRIX- STANDARD RESPONSE // SN26P-ON SCENE NOW SPEAKING TO INFNT / SN26P - SPEAKING TO INFNT - ALL TO DO WITH FIGHT IN PURBROOK CLOSE AREA / *** RESULT *** / INFNT SEEN AND ADVISED / CONNECTED TO FIGHT IN LOCAL AREA</p>
13)	44130229346	Public order	23/06/2013 14:43	<p>Filed - 237-239, ALDERMOOR ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 5NU (ALLDAYS) YARNOLD has been seen spitting outside the agg'd shop. An allegation had been made by the agg'd that YARNOLD had offered the agg'd for a fight behind the shop.</p>
14)	44130238851	ASB Nui - Rowdy and Inconsiderate Behaviour	29/06/2013 23:11	<p>Filed - 0 ALDERMOOR AVENUE SOUTHAMPTON, HAMPSHIRE United Kingdom INFMT REPORTING THAT THERE ARE LADS IN THE WALKWAY DRINKING ALCOHOL // THERE ARE 4-5 OF THEM AGED ABOUT 24-25YRS // THEY ARE TALKING LOUDLY BUT NOT CAUSING TOO MUCH NOISE // INFMT WANTS TO REMAIN ANON ALTHOUGH HE GAVE HIS DETAILS / SRS 13062900217 // NO FURTHER CALLS 1 HOUR / FURTHER CALL FROM INFNT - MORE PEOPLE HAVE JOINED. A MALE WITH AN OFF-ROAD MOTORCYCLE, A FEMALE AND THEY ARE GETTING LOUDER AND LOUDER. // HE STATES PLEASE CAN POLICE HELP AS THEY ARE VERY LOUD AND THEY HAVE BEEN THERE A WHILE NO WITH NO CONSIDERATION FOR ANYONE ELSE. // SD77 - DOOR WIDE OPEN /</p>
15)	44130350289	ASB Nui - Rowdy and Inconsiderate Behaviour	14/09/2013 22:33	<p>Filed - 237-239, ALDERMOOR ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 5NU (ALLDAYS) NUMBER OF KIDS IN DRINK AND BEING ANTI SOCIAL IN THE PRECINCT / 12 MALES AND FEMALES IN TOTAL - CALLER PUTS AGES AT 15-18 // CALLER SAYS THEY ARE ALL IN DRINK / THROWING BINS AROUND AND MAKING A NOISE / BEING AGGRESSIVE AND SHOUTING USING FOULD AND ABUSIVE LANGUAGE //</p>
16)	44130407500	ASB Env - Rowdy and Inconsiderate Behaviour	27/10/2013 18:05	<p>Filed - 0 ALDERMOOR ROAD, SOUTHAMPTON, HAMPSHIRE United Kingdom SOMEONE IS SETTING FIREWORKS OFF IN ALDERMOOR ROAD IN A PUBLIC AREA / SOUNDS LIKE THEY ARE SETTING OFF NEAR THE SUB WAY OR LORDSHILL DIP AT THE BOTTOM END BY THE ALLOTMENTS // INFNT CANNOT PIN POINT EXACTY WERE THEY ARE BEING SET OFF // GRADED 2N AS HAPPENING NOW // INFNT STATES LAST NIGHT SOMEONE WAS SETTING THEM OFF AT HE BACK OF HIS ALLEY WAY / / TO CWUN FOR CIRCS AS INFNT CANNOT SAY EXACTLY WERE THEY ARE BEING SET OFF FROM // SRS 13102700115 // *** CFT RESEARCH *** // RMS INFNT/ADD: NO WARNINGS, X7 ASB (VEH, MISC) IN LAST 3 MONTHS // ALTARIS: MULTIPLE INCS // CFT MAPPING: MULTIPLE ASB IN SURROUNDING AREA // SAFETYNET: EMERGING ISSUE - GATWICK CL & CROYDEN CLOSE (NEARBY) - Youths playing football in street, drinking and being row</p>
17)	44130448166	ASB Nui - Rowdy and Inconsiderate Behaviour	27/11/2013 23:38	<p>Filed - 0 ALDERMOOR ROAD, SOUTHAMPTON, HAMPSHIRE United Kingdom 4 OR 5 MALES HAVE BEEN KICKING BALLS AGAINST THE CARS AND THE BUS STOP HAVE BEEN DOING THIS FOR AT LEAST AN HOUR. // THINKS THE MALES ARE QUITE YOUNG - EARL TEENS ISH // 1.. TOO DARK TO ID THE MALES / 2. NOT REGUALR INCIDENT. / 3. NO IDEA WHY / 4. CALLER HAS FAMILY AND A CAR! / 5. FAMILY SUPPORT // NOT VULNERABLE // / SD70 - ASNT FOR ANY MALES /</p>
18)	44130459613	ASB Nui - Rowdy and Inconsiderate Behaviour	06/12/2013 20:54	<p>Filed - TARANTO ROAD, SOUTHAMPTON, HAMPSHIRE United Kingdom CALLER REPORTING THAT THERE IS A LARGE GROUP OF DRUNKS YOUTHS HANGING AROUND IN THE STAIRWELL OF INFNTS FLATS MAKING A LOT OF NOISE // 8 YOUTHS IN THE GROUP MOSTLY FEMALE // THEY HAVE TIPPED OVER THE GLASS RECYCLING BIN AND THERE WAS SMASHED GLASS EVERYWHERE // INFNT HAS CLEANED IT UP AS SHE WAS WORRIED ABOUT HER CHILDREN // INFNT HAS GONE OUT THERE AND ASKED THEM TO MOVE ON AND THE GIRLS HAVE SHOUTED 'WHAT YOU LOOKING AT WE ARE NOT DOING ANYTHING' / / THEY ARE HANGING AROUND THE CARS AND ANNOYING RESIDENTS // THE YOUTHS HAVE JUST WALKED OFF UP TOWARDS TESCO EXPRESS // THEY ARE AGED APPROX 17 AND ALL DRINKING // THIS IS A REGULAR PROBLEM IN THE FLATS /</p>

Incidents of note
Alder Moor Road by the shops

9)	44140017336	ASB Nui - Rowdy and Inconsiderate Behaviour	15/01/2014 21:46	<p>Under investigation -BRANSBURY CLOSE, SOUTHAMPTON, HAMPSHIRE United Kingdom THERE ARE A GROUP OF 4-6 TEENAGERS ON THE STEPS OUTSIDE // THEY ARE MAKING A RACKET AND SMOKING AND CAUSING A GENERAL NUISANCE // INFT NOT WILLING TO GO AND ASK THEM TO MOVE ON, HE SAYS THAT HE WILL GET ABUSE // ONE OF HIS NEIGHBOURS HAS BEEN ROUND AND COMPLAINED ABOUT THEM TO INFT ALSO // NFD'S // FURTHER CALL FROM INFORMANT ON 999 SAYING JUST SEND POLICE HER NOW. THEY ARE RIGHT OUTSIDE HIS DOOR SMOKING. JUST SEND SOMEONE OTHERWISE HE WILL BE FIGHTING WITH THEM AND IT WILL BE YOUR FAULT. YOU DONT NEED TO CHAT WITH ME. MALE THEN HUNG UP.</p>
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ALDERMOOR CONVENIENCE STORE

237-239 Aldermoor Road, Southampton, Hampshire, SO16 5NU
[REDACTED]

24th October 2013
PC Sharon Conway
Licensing Officer
Hampshire Constabulary

Dear PC Conway,

Thank you for your telephone call to me on 8th October 2013 when you suggested that you would support our application for a SIA door supervisor variation on our alcohol premises licence. We have since discussed the matter with Councillor Don Thomas and he has advised us that he fully supports us in having the following two variations:

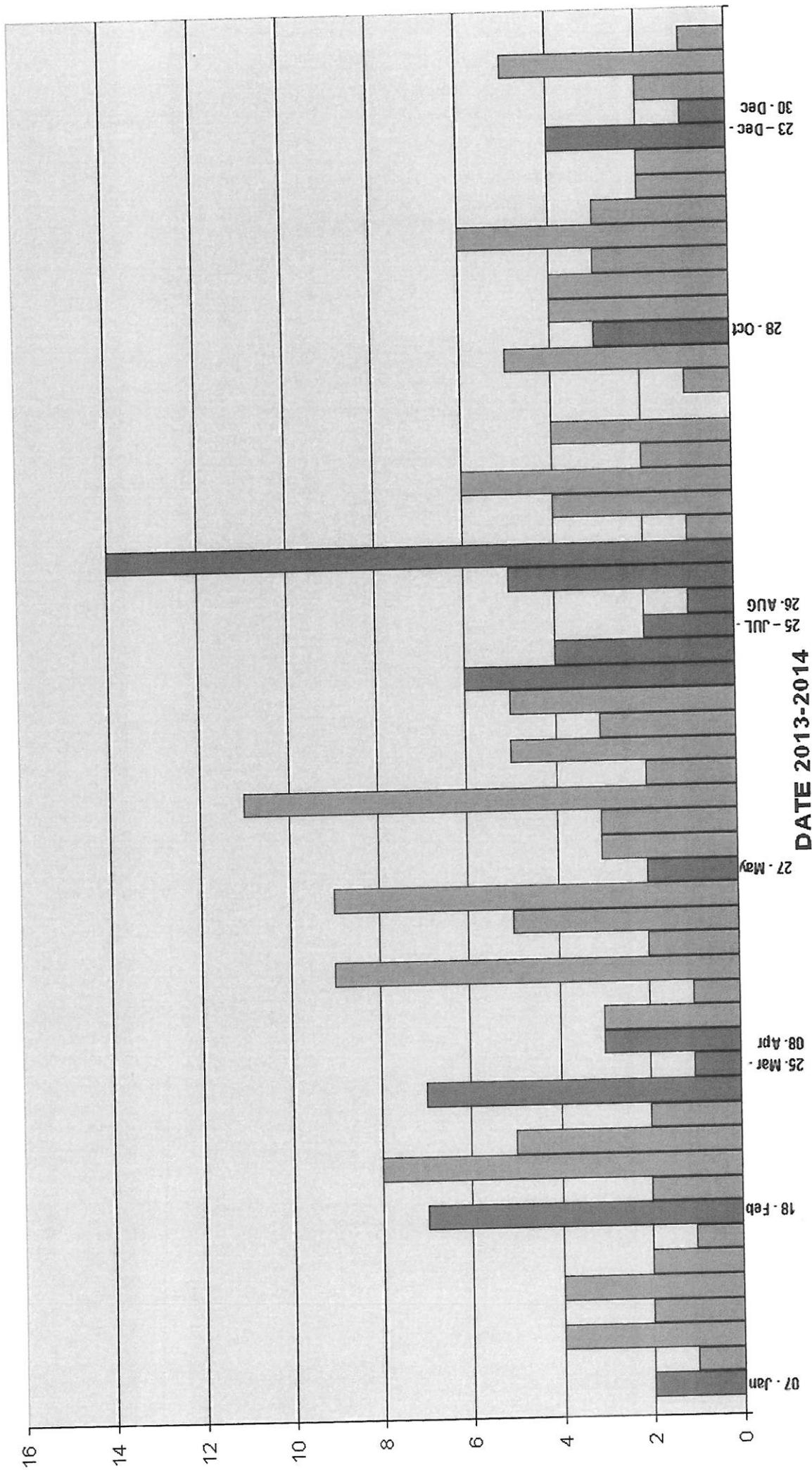
1. Having one person on the shop floor from opening until 6pm to sell alcohol.
2. Having two persons from 6pm until close to sell alcohol. In other words removal of the SIA door supervisor during these hours.

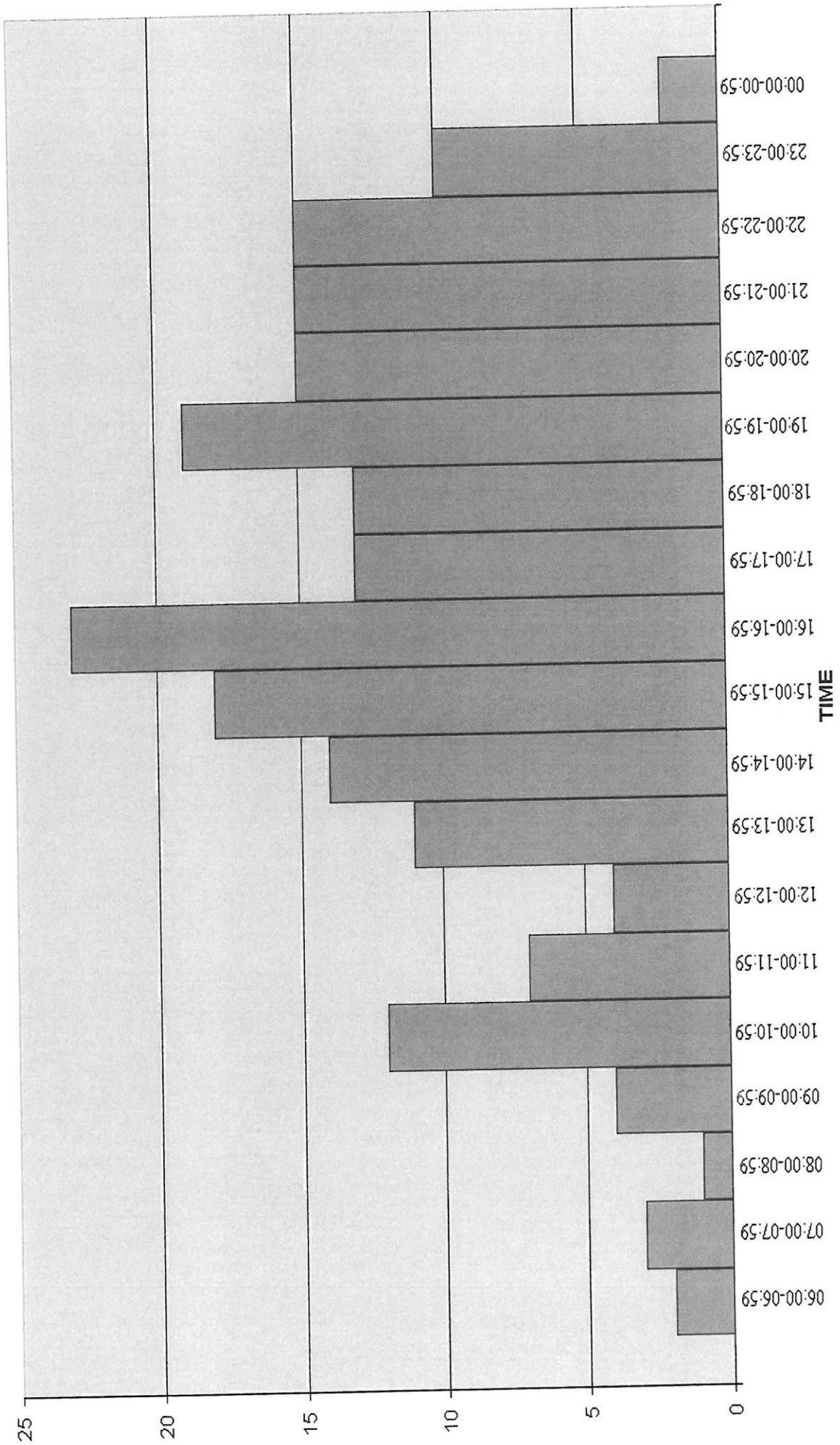
We both think these are reasonable variations as we are well positioned in the running of the store going forward. Obviously we will adhere to all other conditions as previously stipulated. We are fully focused on working with yourselves and other local authorities to maintain our current high standards when dealing with potential under age and proxy sales.

Thank you for your time and we look forward to hearing from you soon.

Yours sincerely,

Balkar S Pottiwal





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



Direct dial: [REDACTED]
 Fax: [REDACTED]
 Email: [REDACTED]

Please ask for: Lucas Marshall
 Our ref:
 Your ref:

30th January 2013

Licensing
 Southampton City Council
 PO Box 1767
 Southampton
 SO18 9LA



Dear Sir/Madam

I write in support of Hampshire Constabulary's representations regarding Mr Balkar Singh Pottiwai's application to vary the operating schedule for the premises licence at Aldermoor Convenience Store, Aldermoor Rd, Southampton.

Mr Pottiwai's application seeks to remove the following conditions:

- all alcohol is to be stored behind the sales counter, unless it is kept within a locked cabinet (to which only staff have access)
- the premises shall have one member of door staff to monitor the entrance / exit on any day the premises are open for the sale of alcohol between the hours of 18:00hrs and 23:00hrs (earlier if the premises is closed)
- In addition to the door staff (when applicable) the premises shall have a minimum of two members of staff working at any given time.

Southampton Trading Standards believe that the removal of the above conditions will undermine the prevention of crime and disorder, prevention of public nuisance and protection of children from harm objectives.

It is well known that the Aldermoor area has had problems with antisocial behaviour in the past, which thankfully have improved in recent times. I do not doubt that this is in part due to the attention and activities of the Police. Clearly anti social behaviour and alcohol consumption are linked, and the conditions imposed on this premises licence in my opinion are sensible and reasonable in preventing alcohol getting into the hands of children and irresponsible adults.

With regard to the keeping of alcohol behind the counter I know that this precaution is effective in prevention of under age sales: the additional interaction with the shop assistant when a child asks for alcohol can be what prompts them to refuse that sale. Keeping of alcohol behind the counter also prevents theft.

With regard to the reduction in number of staff and removal of door staff this can only have a detrimental effect: it is not unusual for staff, particularly during the evening, to feel intimidated by gangs of youths or drunk persons, which can be exacerbated with a reduction in staffing. In such cases they are more likely to sell alcohol to those persons.

Door staff are an important filter to stop inappropriate persons accessing the shop in the first place.

Should Mr Pottival agree to the compromised conditions outlined in the Police representation, Trading Standards will not be seeking a hearing.

Yours faithfully



Lucas Marshall
Trading Standards Officer

Cc Southampton Licensing Unit, Hampshire Constabulary, Central Police Station, Southern Road, Southampton SO15 1AN
Aldermoor Convenience Store, 237-239 Aldermoor Rd, Southampton, SO16 5NU

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.