

Reference: 2014/03345/01SPRD

Hearing:

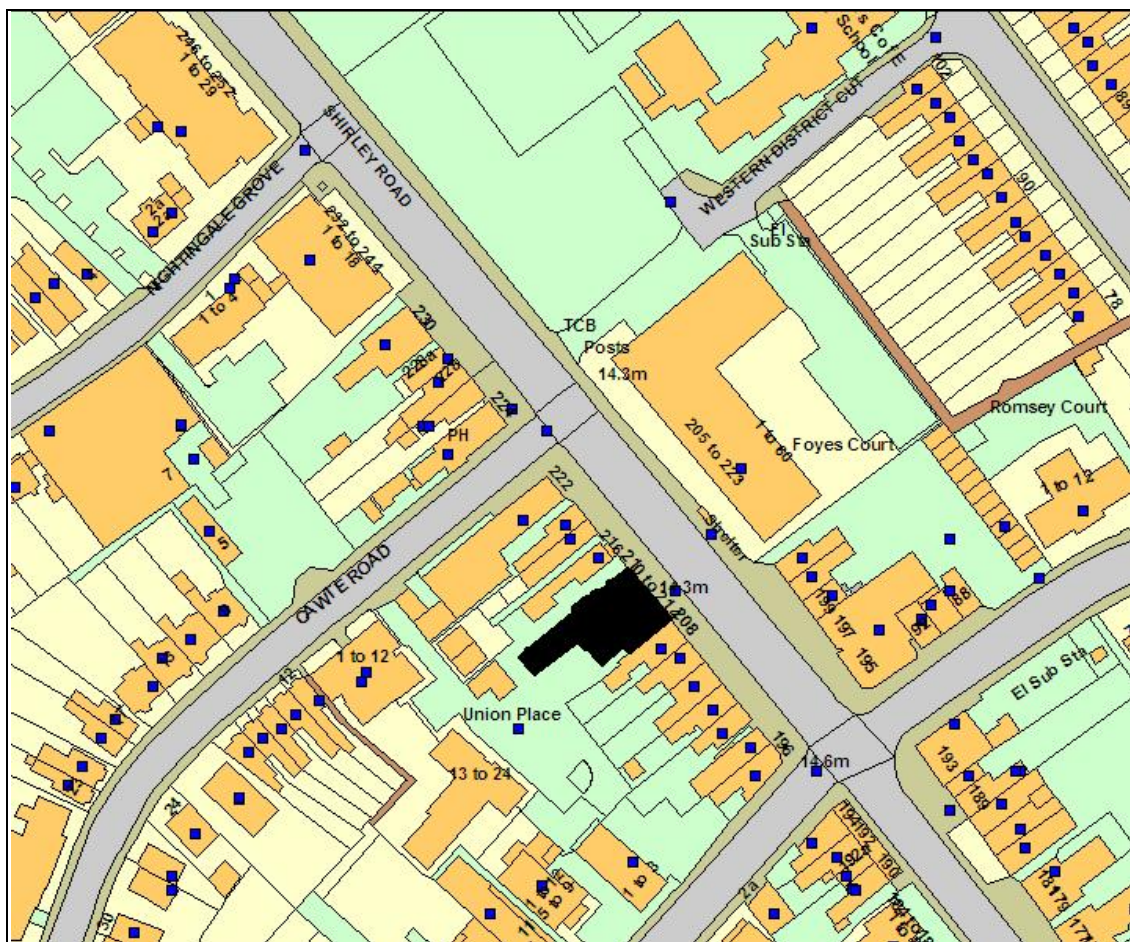
6TH November 2014

Variation Application for Premises Licence - DPS Variation

Premises Name: World Shop
 Premises Address: 210 - 214 Shirley Road
 Southampton
 SO15 3FL

Application Date: 25th September 2014
 Application Received Date: 25th September 2014

Application Valid Date: 25th September 2014



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Representations From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Police - Licensing	No	See attached representation

Legal Implications

1. Where the Police give notice (stating that the Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective and stating their reasons) the authority must –
 - (a) hold a hearing to consider it, unless the authority, the applicant and the Chief Officer of Police who gave the notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
2. The decision making panel, in considering an application, must have regard to the notice, adopted Statement of Licensing Policy and any relevant representations of the applicant.
3. An applicant, whose application has been rejected, may appeal against the decision to the Magistrates' Court. Likewise the Chief Officer of Police may appeal against a decision to grant the application.
4. Where an application is granted or rejected, the relevant licensing authority must give a notice to that effect to –
 - (a) the applicant,
 - (b) the proposed individual and
 - (c) the Chief Officer of Police for the police area (or each police area) in which the premises are situated.

The notice must state the authority's reasons for granting or rejecting the application. Where the application is granted, the notice must specify the time when the variation takes effect.
5. In considering this application the panel 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 panel must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The panel must also have regard to:-

6. *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.
7. *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.

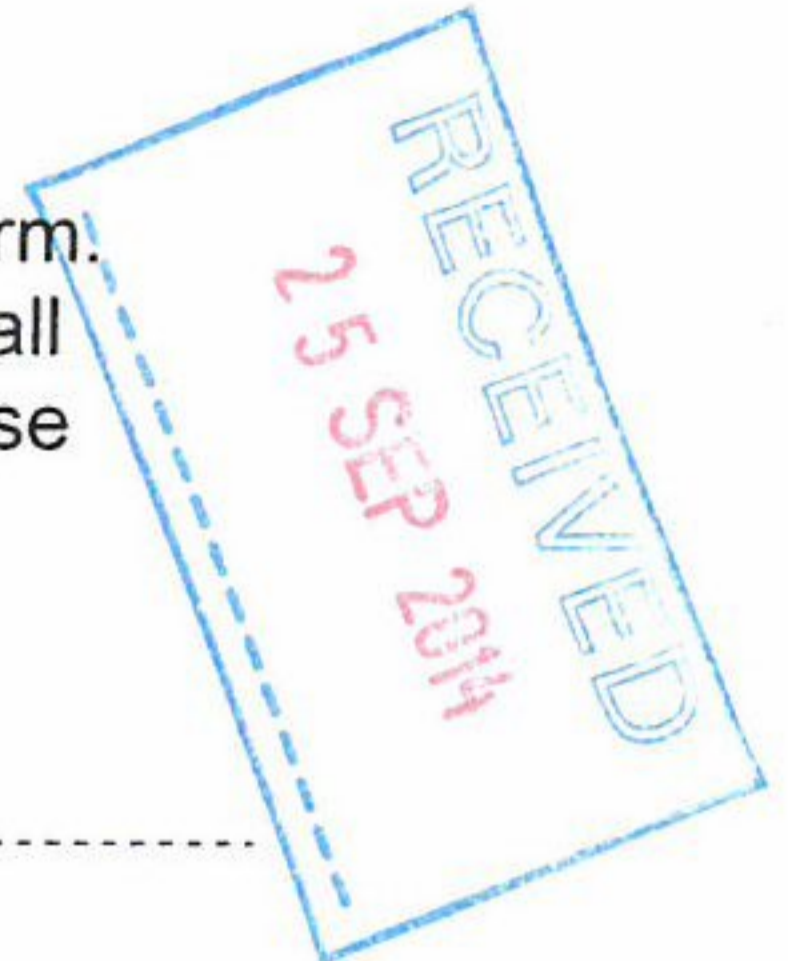
Southampton City Council

Application to vary a premises licence to specify an individual as designated premises supervisor 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 KIUMARS ABDI
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

2013/00341/01SPRD

Part 1 – Premises details

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

world shopp
210-214 Shicky Road
Southampton
S

Post town

Southampton

Post code (if known)

SO15 3FL

Telephone number (if any)

07724923220

Description of premises (please read guidance note 1)

Suppel market

Part 2

Full name of proposed designated premises supervisor

Kumar S Abdi

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

Leeds / PERL 107518 / 14

Full name of existing designated premises supervisor (if any)

Drota Pite

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

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

Lost Licence

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

..... 25/09/14

Capacity

..... Kiuma(S Abdi owner)

For joint applicants signature of 2nd applicant 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). **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 5)

Post town

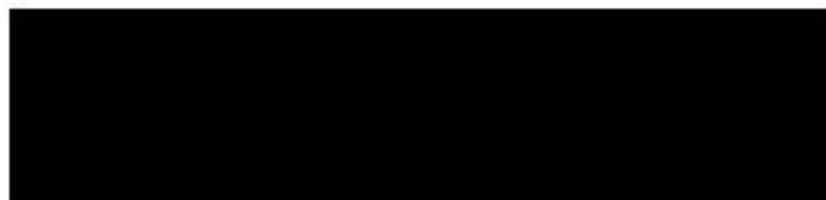
Post Code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:

<input type="checkbox"/> 1: Grant for a personal licence	(Object within 14 days)
<input type="checkbox"/> 2: Grant for a temporary event notice (TEN)	(Object within 3 days)
<input checked="" type="checkbox"/> 3: Transfer of a premises licence	(Object within 14 days)
<input checked="" type="checkbox"/> 4: Variation of designated premises supervisor	(Object within 14 days)
<input type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)
<input type="checkbox"/> 6: Minor variations	(Object within 10 working days)

Name of Applicant:	Kiumars ABDI
Name of Proposed DPS:	Kiumars ABDI

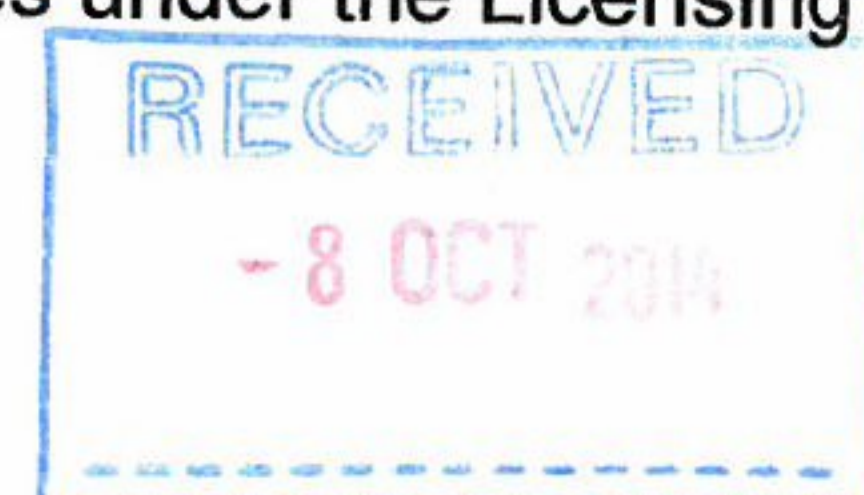
Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	World Shop Southampton Ltd also known as Odra Stores 210-214 Shirley Road Southampton
Postcode:	SO15 3FL

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC
Surname: Conway	First Names: Sharon
Current postal address :	Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380533368
E-mail address: (optional)	western.licensing@hampshire.pnn.police.uk

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





**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

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*

Please state the ground(s) for representation:

On behalf of the Chief Officer of Police, I am writing to lodge an objection to the above application to transfer the premises licence and vary the DPS to Mr Kiumars Abdi. The objection is on the following grounds:

- 1) The prevention of crime and disorder.

The police have concerns over the application due to the exceptional circumstances at World Shop, whereby granting the applications will undermine the crime prevention objective. Police have been working closely with Trading Standards, who would like to take this opportunity to highlight their concerns. The concerns are:

- The application to transfer the premises licence and vary the DPS is being made in an effort to prevent enforcement action against the current holder, Mr Sirwain Hussein.
- Mr Abdi is not entitled to apply for the premises licence as he is not the person / company who will be conducting the licensable activities from the premises.
- Mr Hussein will continue to have substantial involvement in the premises and influence over Mr Abdi to the extent that current alleged offences will continue.

In recent months, World Shop, which is also known locally as Odra Stores, has come to the attention of police, Trading Standards and HMRC under the premises licence holder Sirwan Hussein. Notably, on 24th August 2014, the premises was visited as part of a joint operation with Trading Standards and Licensing, as part of a Street CRED operation aimed at highlighting the alcohol related anti-social behaviour suffered in the area to retailers. On the 2nd September 2014, police and Trading Standards conducted a test purchase operation and compliance check. The premises licence holder, Sirwan Hussein, was present on both of these occasions, and spoken to by the responsible authorities.

Trading Standards have visited the premises on a number of occasions, as detailed by the statement provided by Lucas Marshall (Annex A). The applicant, Mr Abdi, has in fact been spoken to directly and advice offered in supporting the licensing objectives, as he has been in an apparent position of control of the premises. Mr Marshall, in his statement, details contact he has had with Mr Abdi on 4th September and 24th September 2014.

On 8th September 2014, Mr Abdi is again shown to be in a position of responsibility at the





[REDACTED]

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store. He assisted a police investigation by providing CCTV from the store. In the statement producing this footage, Mr Abdi states that he is the manager. (Annex B).

Annex C details police involvement with Odra Store during August and September 2014. On 24th September 2014, a joint operation was conducted across Southampton by HMRC, Trading Standards and police. This operation was reported in local media (Annex D). Odra Stores was attended as part of that operation, with illegal alcohol and cigarettes being seized, as detailed by Mr Marshall. Mr Abdi was present at the store during this operation, as was the premises licence holder, Mr Hussein. Again, the continued issue of food products not being labelled as required by Regulation 38 of the Food Labelling Regulations 1996 was discussed with both Mr Hussein and Mr Abdi. Food labelling is an important requirement for running a retail premises. With increasing numbers of people being allergic to certain ingredients, it is important that food and drink labels are easy to understand in order to prevent potentially serious illness. It is also an offence to sell products which do not comply with the regulations.

Of further concern was that Mr Abdi was not fully open with police. When spoken to by PC Conway, Mr Abdi initially refused to give his name, stating that he did not work at the premises, although Mr Abdi had considerably assisted Mr Hussein in providing CCTV for the police attendance on 2nd September 2014. Only when PC Conway referred to an application for a premises licence at another shop did Mr Abdi become more co-operative, advising that there were issues with the lease at 307 Shirley Road which would effect his application, and he would be returning to Leeds in the near future. A basic conditions check was conducted with Mr Hussein. There was no training package in place, but a declaration signed by staff to the effect of

'I have read and understand the training package, and understand that it is my responsibility to keep up to date with my training and need to complete refresher training every 3 to 6 months.'

One such declaration was in the name of Mr Abdi, signed and dated by him on 15/04/14. Mr Hussein was not able to provide the training package referred to in the declaration, advising that this declaration was the training package.

Mr Hussein was asked who his personal licence holders were in order to directly supervise the sale of alcohol. Mr Hussein advised that Mr Abdi was one, despite Mr Abdi already asserting that he did not work at the premises.

Following this attendance, the previous DPS for the premises was spoken to by phone by PC Conway. It transpired that she had left the premises a couple of months previously, and was unaware that a variation to change the DPS had not been applied for.

Mr Abdi submitted the application to become the DPS and premises licence holder at Odra Stores on 25th September 2014.

A meeting was held with Mr Abdi, Mr Marshall and PC Conway on 30th September 2014.

[REDACTED]



[REDACTED]

**New grant or variation of premises licence
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Police have grave concerns that the application has been submitted in an effort to deter responsible authorities from pursuing formal action with Mr Hussein, and that the offences that have come to light under Mr Hussein will continue as Mr Abdi will not be the person who will be conducting the business involving licensable activities as required by the Licensing Act 2003.

During the meeting, Mr Abdi disclosed that he has been in Southampton for the past 2-3 months, staying with Mr Hussein and his family. Mr Abdi has been working at a nearby premises which, at present, he has an application for a premises licence. Mr Abdi has also been helping Mr Hussein at Odra Stores, claiming this assistance is not for payment, but as a friend. Mr Abdi denied that he has described himself to police as 'the manager'. The decision to take on the premises licence at Odra Stores was made during the evening of 24th September 2014 as a result of events at the store during that afternoon. Therefore Mr Abdi intends for his friend Mr Hussein to remain at Odra Stores in order to provide experience and training in retail matters, including who and where to obtain stock for the premises and licensing matters.

Mr Abdi advised that he had little retail experience himself, having last worked at a retail store around 2006-2007.

During the meeting, Mr Abdi was not in a position to evidence his assertion that he is now the owner of the store, or a director of the company World Shop Southampton Ltd. He has a verbal agreement with Mr Hussein to buy the business in monthly instalments, expecting this to take some 14 months before the debt is paid in full. Mr Abdi was not able to provide any details of solicitors or agents who police could obtain such evidence. Mr Abdi could not provide full details of his girlfriend, with whom he anticipates holding the position of director of World Shop Southampton Ltd. Given the lack of evidence to the contrary, it is a concern to police that Mr Hussein will remain in an influential position at Odra Stores, with Mr Abdi having little control over stock provisions in the store, and adherence to the premises licence.

Mr Abdi was asked about the premises licence authorisation, and the conditions attached to the premises licence. It became apparent that Mr Abdi has not conducted any due diligence with respect to the responsibilities in the sale of alcohol for which he is criminally liable for. Mr Abdi cited that the store could not sell single cans, had to have a personal licence holder and not to sell to drunks or children. When asked what training package he was implementing, Mr Abdi advised that the 'sheet' was already in place. I understand Mr Abdi was referring to the declaration, which Mr Hussein had been told was not adequate. During the conversation, it became apparent that Mr Abdi has not looked at the premises licence, nor does he know the conditions which are attached to it, simply taking verbal advice from Mr Hussein. Therefore Mr Abdi has not made any improvements to comply with the premises licence, nor has he taken any steps to remove alcohol from sale until such time as he can comply, as required by S137 Licensing Act 2003, exposing alcohol for unauthorised sale.

Mr Abdi was also asked about the current issues at the premises, particularly in relation to

[REDACTED]



[REDACTED]

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S144 Licensing Act 2003 of knowingly keeping smuggled goods on the premises and food labelling issues, both of which Trading Standards have spoken directly to Mr Abdi about when he has been working at the store.

Mr Abdi was very defensive in his response, advising that he didn't have the power to do anything as he was helping out a friend, and smuggled goods and labelling were not his responsibility at the time. When this was challenged that he was in fact accountable and putting his own personal licence at risk, Mr Abdi maintained that he did not consider these issues to have been his responsibility prior to 25th September 2014.

Mr Abdi did advise that, in relation to alcohol, he understood his responsibility to sell UK duty paid products. However, in relation to cigarettes and food items, Mr Abdi did not hold the same convictions and respect for the law, or feel that there was a need to uphold the licensing objective of preventing crime and disorder.

In respect to non-duty paid cigarettes, Mr Abdi referred to selling these products as 'easy money'. In respect to labelling issues, Mr Abdi cited that wholesalers charged for labels, quoting £6 to £18 depending on product, and then he needed staff to apply the stickers. Mr Abdi was told a number of times that he needed to comply with the legislation by either buying the UK product or making sure an import complies with UK legislation. Mr Abdi repeatedly stated the view that other retailers do not comply, wholesalers sell products which do not comply, so asked why he was being made to comply. This point of view is of concern to police and Trading Standards, particularly given that Mr Abdi has applied to be the premises licence holder and the DPS, and what due diligence he will take in order to prevent offences being committed.

It is of great concern that Mr Abdi has taken over a premises which is under scrutiny from responsible authorities and government agencies, to the point that a premises licence review is in the process of prepared and evidenced. This is compounded by Mr Abdi's willingness to take on board training and advice in licensing and other retail legislation from a person who has allowed the premises to come under such scrutiny. In order to bring about change in regard to the licensing objectives at World Store, an experienced, strong and competent management team is required. It is these truly exceptional circumstances that police, with support of Trading Standards, are requesting that the transfer of the premises licence and the DPS variation are not granted.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation


Police recommendations (including any conditions)

Hampshire Constabulary recommend that the transfer of the premises licence and variation of the DPS to Mr Kuimars Abdi is not granted.



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

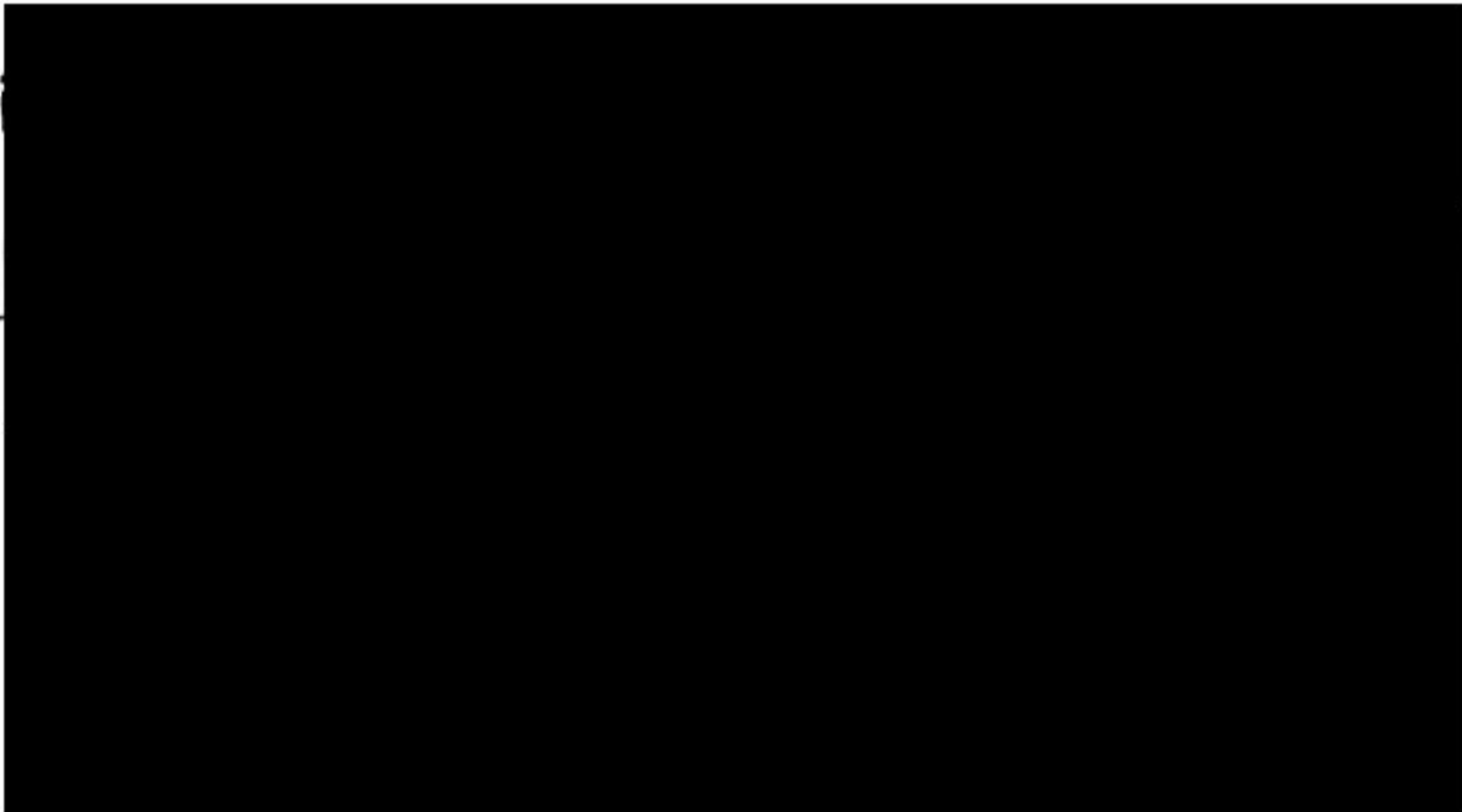
Signature of Officer Completing

Name PC 22237 CONWAY
Signature: 

Collar Number: 22237
Date: 07/10/14

Signature of Author

Name PS 21
Signature: _____



Number: 2117
08/10/14



TRADING STANDARDS SERVICE WITNESS STATEMENT


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

STATEMENT OF: **LUCAS DAVID MARSHALL**

AGE IF UNDER 18: **OVER 18**

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the **7** day of **Oct** 2014

Signature: 

..... being unable to read the statement,

I..... of

.....read it to him/her before he/she signed it.

Dated the day of 2014 Signature:

A My name is Lucas Marshall and I am employed as a Trading Standards Officer by Southampton City Council. This statement gives details of my inspection history of the licensed premises Odra, 210-214 Shirley Road, Southampton, SO15 3FL. I first visited the business on 15th

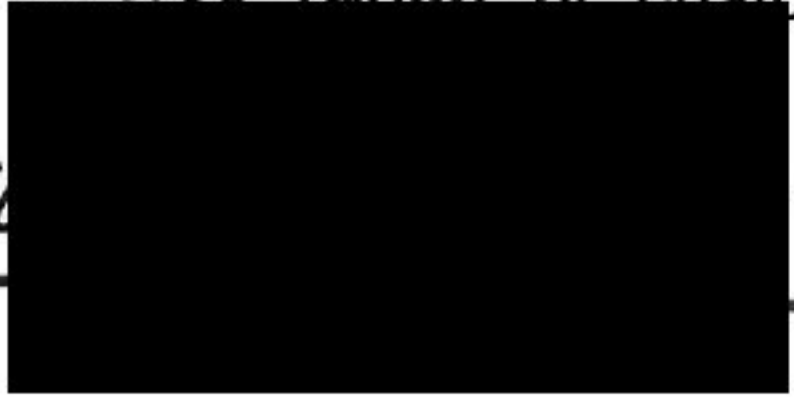
B January 2013. At that time the business was owned by Worldshop Ltd, of which Sirwan Hussein identified himself as a director. The business had not yet opened but was stocked. I conducted a food inspection and noted that a large proportion of the food displayed was not labelled in

C English. It is a requirement of Regulation 38 of the Food Labelling Regulations 1996 that food labelling is easy to understand, ie it is labelled in English, and it is an offence under Regulation 44(1)(a) to sell any food which is not labelled in accordance with that provision. There was also

D medicine which was not labelled in English displayed, which I advised Mr Hussein to remove from sale. Clearly it is important that medicine is labelled in English, so those that take it can read the instructions for use. With increasing numbers of persons with allergies to certain

E ingredients it is also important that food and drink labels are easy to understand. Odra appears to attract a diverse range of customers; they are not only Polish, so a proportion would

ST1(1)HQ

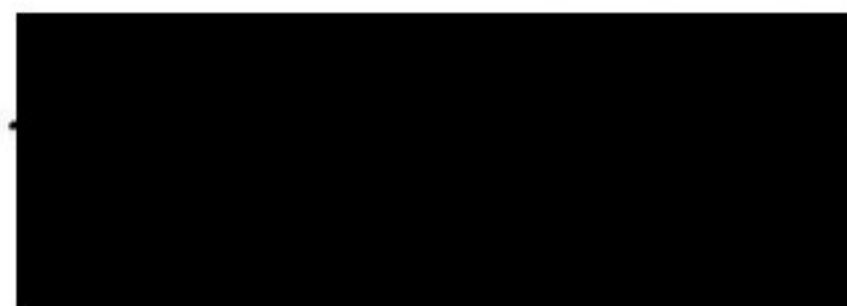
Signature: 

BY: LUCAS DAVID MARSHALL

- A not be able to understand the labelling. On 21st January 2013 I sent a letter of advice to Sirwan Hussein regarding labelling of the food, a copy of which I produce as exhibit LM/Odra/1.
- On 23rd January 2013 I returned to the shop as it had opened and conducted an inspection. Polish labelled medicine was displayed for sale and I instructed that this should be removed
- B from sale, which they started to do. On 7th March 2013 I revisited the store and conducted an inspection. A large proportion of foods were still not labelled in English. I told Mr Hussein that further legal action would be taken if he did not comply with the labelling requirements. On 28th August 2014 I visited Odra with Licensing Manager Phil Bates, as part of a multi agency
- C exercise aimed at reducing street drinking in Shirley. I had been informed that street drinkers tend to drink the strong Polish lagers. Many of the brands of Polish beer were not labelled in English and I instructed Sirwan Hussein to remove them from sale or relabel the products, gave a notice of infringement to that effect, and instructed Mr Hussein that I would revisit to check for
- D compliance in a week's time. On the evening of 2nd September 2014 I assisted a Police under age sales exercise in the Shirley area. Alcohol was not sold to the child volunteers, however Sirwan Hussein did breach one of the conditions on his licence by personally selling a single can of beer to an adult, a condition that is on his licence specifically aimed at reducing street
- E drinking. Illegally labelled beers were still displayed for sale and I instructed Mr Hussein that further legal action would be taken if these were not removed from sale or relabelled by 4th September. On 4th September 2014 I revisited Odra. Kiumars Abdi was working at the shop. I examined the Polish beers, which were still displayed for sale and were not labelled correctly.
- F Mr Abdi agreed to remove them from sale, and started to do so. On 8th September 2014 I sent a warning letter to Mr Hussein, a copy of which I produce as LM/Odra/2. On 24th September 2014 I assisted HMRC in an inspection of Odra, during which 91.4 Litres of alcoholic spirits, 780 cigarettes and 150g of hand rolling tobacco, all of which were not UK duty paid, were found and
- G seized by HMRC. It is an offence under Section 144 of the Licensing Act 2003 to have on a

ST1(2)HQ

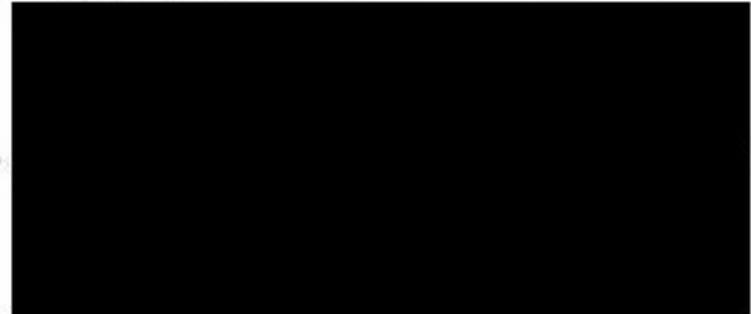
Signature: ..



PAGE NO: 3 CONTINUATION OF STATEMENT DATED: 7/10/14

BY: LUCAS DAVID MARSHALL

A premises smuggled goods, and the Home Office Guidance issued under Section 182 of the
Licensing Act 2003 states that criminal activity, including the sale of smuggled goods, should be
treated particularly seriously. Sirwan Hussein and Kiumars Abdi were present at the premises
at that time. I examined the Polish beer, many brands, including Bosman, Tatra, Ekstra,
B Svyturys, Specjal Jasny Pelny, Debowe, Lech, Zubr, Zywiec, Perla, Aldaris, were still not
English labelled but were displayed for sale. I also examined the food and a large proportion
was not labelled in English. I asked Mr Hussein and Mr Abdi why these foods and drinks were
still displayed for sale, but they would not answer. The premises has repeatedly breached the
C prevention of crime and disorder licensing objective and will not heed basic advice regarding
compliance. I informed Mr Hussein that Trading Standards intended to make an application for
review of the Premises Licence. On 30th September 2014 PC Sharon Conway and I met with Mr
Abdi at Southampton Central Police Station. The reason for the meeting was that following the
D joint HMRC inspection on 24th September 2014 Mr Abdi had made an application to transfer the
Premises Licence for Odra. He had also applied for a licence at a premises, Eko, 307 Shirley
Road. Given the history of breaches of legislation at Odra, and Mr Abdi's involvement at that
business, I was concerned regarding the possibility of him being involved as Premises Licence
E Holder at these premises. Mr Abdi confirmed that he had been working at Odra for 2 months,
that he is a friend of Sirwan Hussein and currently lives with him. He said that the business is
owned by Worldshop Ltd, of which Sirwan Hussein is currently a director, however he will be
buying the business for £20000, to be paid over 1 year and 3 months in instalments, and that his
F girlfriend, Rassa Satvinski, will become director of Worldshop Ltd in 2 day's time. I have
checked the Companies House website and it appears that Worldshop Ltd has been dissolved.
Mr Abdi said that Sirwan Hussein would work for him until he "settled down" at the shop: he
could not give an exact time period but said that Mr Hussein may continue to work at the shop

G Signature: .. 

ST1(2)HQ

BY: LUCAS DAVID MARSHALL

A for a month. It is of concern that Mr Hussein should continue to be involved at the premises, given the history of non-compliance at that premises. Mr Abdi appeared unaware of the conditions on Odra's Premises Licence. I asked Mr Abdi whether he knew that illegal cigarettes were being sold at Odra. At first he gave a confused answer indicating that he did know illegal

B cigarettes were being sold from the premises, however on further questioning he said that he denied knowledge of their sale. I then discussed the sale of foreign labelled foods and alcohol. I told Mr Abdi that sale of such foods constitutes an offence and that one of the Licensing Objectives was to prevent crime and disorder. He expressed reluctance to cease selling illegally

C labelled foods, stating that English labelled products are more expensive for him to buy than Polish labelled product. Given my past experience with the business and Mr Abdi I have no expectation that he will comply with the labelling requirements in future. It is also of concern that price appears to be the main factor in Mr Abdi's buying policy: as the labelling of illegal alcohol

D has become more sophisticated it has become increasingly difficult to ascertain whether product is illegal. The best indication is often the price – if it's close to, or less than, the price of the duty and VAT liable then it is likely to be illicit. If Mr Abdi's intention is to buy food and drink at the lowest available price it is likely that illegal product will continue to be sold from the premises.

E With regard to Mr Abdi's application for Eko, 307 Shirley Road he said that he was going to cease this application due to a misunderstanding over who the landlord at the premises is. If the application does proceed my concerns outlined above regarding Mr Abdi's suitability as a Premises Licence Holder apply as much to this premises as they did at Odra.

F Signature: 

G

ST1(2)HQ



Trading Standards Service

Incident reference

14/01168/FOODST

Exhibit reference

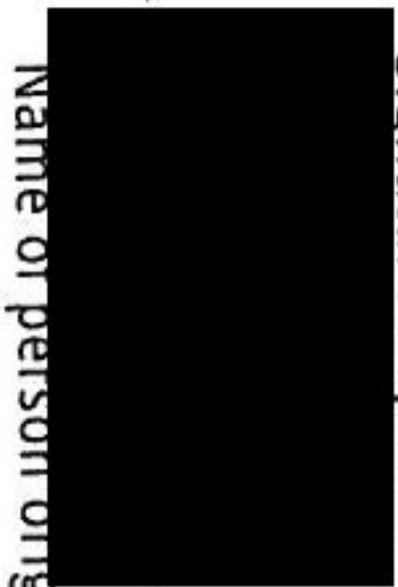
LM/0009/1

Description of article

LETTER SENT TO OORA

21/1/13

Signature of person originally identifying



Name of person originally identifying (block letters)

LUCAS MARSHALL

Trading Standards Service
Southampton City Council
Civic Centre
Southampton S014 7LY

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

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

21st January 2013

Sirwan Hussein
Odra
210 - 214 Shirley Road
Southampton
SO15 3FL

Dear Mr Hussein,

Food Safety Act 1990
Food Labelling Regulations 1996

On 15th January 2013 I visited your premises, Odra, 210-214 Shirley Road, Southampton. During the visit I advised regarding the Food Labelling Regulations 1996, which require food to be labelled in English when retailed: the sale of food which is not labelled in English constitutes an offence under Regulation 44 of these Regulations.

You confirmed that a large proportion of your food is not labelled in English and you appeared to be unaware of this requirement. I would strongly advise that you either label these items in English at the soonest opportunity, or, if you are unable to do so, remove them from sale. I will revisit your premises in the near future to conduct an inspection. Infringements of the above legislation may result in further legal action.

If you have any queries please contact me on 02380 834930.

Yours sincerely

Lucas Marshall
Trading Standards Officer

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



Trading Standards Service

Incident reference

14/01/168/FOODS

Exhibit reference

LM/ODA/2

Description of article

LETTER SENT TO ODA
8/9/14

Signature

Name of person originally identifying



Name of person originally identifying (block letters)

LUCAS MARRAS

EH.126 07.10.22561

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

Direct dial: 023 8083 4930
Fax: 023 8083 2656

Email: [REDACTED]

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

8th September 2014

Dear Sir/Madam

Food Safety Act 1990
Food Labelling Regulations 1996

On 28th September 2014 your premises was visited as part of a joint Police, Licensing and Trading Standards exercise, aimed at reducing street drinking in the Shirley area.

During the visit I noticed that you had Polish lagers/beers in possession for sale which did not comply with Regulation 44 of the Food Labelling Regulations 1996, in that they were not labelled in English, as required. I issued a notice to you, giving a week to either re label the products appropriately or to remove from sale.

On 4th September I revisited your premises and found that alcohol which was not labelled in English continued to be displayed for sale. I would repeat that it is an offence to sell **any food and drink** which is not labelled in English and that as a Licensed Premises you have a duty to meet the Licensing Objective, to prevent crime. I will revisit your premises and if you continue to sell food and drink which does not comply with the above Regulations then further legal action will be taken. If you require any further advice then please contact me on 02380 834930.

Yours faithfully

Lucas Marshall
Trading Standards Officer

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



RESTRICTED (when complete)

WITNESS STATEMENT

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

URN:

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Statement of: Kiamars ABDI

Age if under 18: Over 18 (if over 18 insert over 18) Occupation: Shop manager

This statement (consisting of 01 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: Date: 8/09/14

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

I am the above named person and I am the manager of OPRA International Supermarket on SHIRLEY ROAD in SOUTHAMPTON. I am making this statement in reference to copying CCTV footage from cameras at my Supermarket.

On MONDAY 8th SEPTEMBER 2014 at 15:40 hours I copied footage from all the cameras at my Supermarket onto USB

Occurrence details

Hampshire Constabulary
 Printed: 07/10/2014 09:23 by 22237
 Occurrence: **44140317839**

Occurrence details:

Report no.: 44140317839
 Occurrence Type: Suspicious - Other
 Occurrence time: 02/09/2014 21:30 - 02/09/2014 21:30
 Reported time: 03/09/2014 00:57
 Occurrence address: 210-214, SHIRLEY ROAD, SOUTHAMPTON, HAMPSHIRE United Kingdom SO15 3FL (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SY SHIRLEY SOUTH, Beat: 1SY01 REGENTS PARK & FREEMANTLE)
 Clearance status: Filed
 Concluded: Yes
 Concluded date: 23/09/2014
 Summary: Store sold a single can of cider potentially breaching a license condition not to do so, selling to a plain clothes police officer.

Remarks:

Associated occurrences:

- Same address; Same property / 44120491126 / Z Prem Licence (Management Occurrence)

Involved persons:

- HUSSEIN, SIRWAN OMAR [G3] / Subject
- ODRA INTERNATIONAL SUPERMARKET [G4V] / Subject / 210-214, SHIRLEY ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO15 3FL (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SY SHIRLEY SOUTH, Beat: 1SY01 REGENTS PARK & FREEMANTLE)

Involved addresses:

- 210-214 SHIRLEY ROAD / Dispatch address; Occurrence address / SOUTHAMPTON, United Kingdom SO15 3FL (OCU: 1 WESTERN, District: S SOUTHAMPTON, Sector: SY SHIRLEY SOUTH, Beat: 1SY01 REGENTS PARK & FREEMANTLE)

Involved comm addresses:

Involved vehicles:

Involved officers:

- Witness / BLAKE, H. / #12215 / Hamp / Police staff / MILLBROOK NORTH SNT
- Officer in case / BOUCOUVALAS, A. / #25323 / Hamp / Police officer / MILLBROOK SOUTH SNT

Involved property:

- Cider / Disposal approved; Evidence; Seized / STRONGBOW Full: 1 / Disposed

Modus operandi:

Reports:

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 02/10/2014 19:19 by 22237

Occurrence: **44120491126 Z Prem Licence (Management Occurrence)**

Author: #22237 CONWAY, S.

Report time: 26/09/2014 10:26

Entered by: #22237 CONWAY, S.

Entered time: 26/09/2014 10:26

Remarks:

Issues with Odra Stores

Report:

Premises was attended 28/09/14 by 22237 & SCC licensing as part of multi-agency joint StreetCred operation (SNT, SCC community safety team, SCC Licensing authority, SCC TRading Standards, EU Welcome & public health, Police licensing) targetting alcohol related ASB in the area.

Premises licence holder HUSSAIN was present behind the till. Alcohol is clearly on display behind the counter and in fridges, including fridges next to the entrance.

HUSSAIN advised that the one other member of staff present was not a personal licence holder, & HUSSAIN confirmed that he is not yet a personal licence holder. HUSSAIN stated that the DPS named, [REDACTED] was still working at the premises. He confirmed the conditions on his premises licence, in particular no single cans & personal licence holder directly authorising sales of alcohol, advising that customers were aware of the situation and did not attempt to buy single cans nor buy alcohol when only he was present in the store.

Refusals log seen - HUSSAIN could not initially find this record, eventually locating the document in a folder underneath other paperwork, indicating that this record was not in use. There were also only 3 entries for 2014, again indicating that the record was not used.

High Stength products were discussed - HUSSAIN advised that he will reduce his high strength range over the coming months.

There were a large number of high strength products for sale, a lot priced at £1. Prices of some products noted -

Perla 7.6% 500ml - £1 (Duty + VAT = £1.10)

Debowe 7% 500ml - £1

Oranjeboom 8.5% 500ml £1.39

Special Brew £1.79

Skol Super 9% 500ml £1.89

Chekov vodka 1.5L £24.99

Crest Super 10% 500ml - £1.99

Followup visit to be conducted



Premises attended 24/09 to obtain CCTV in relation to test purchase operation. HUSSIAN and another male were present - HUSSIAN was behind the counter. HMRC and trading standards were also on site on separate investigations.

CCTV was requested for 02/09/14 2125-2135hrs. As the time was not accurate, HUSSAIN was asked to play the footage from 2115hrs. This footage showed a sale of 3 cans of Lech beer made by HUSSAIN prior to the TP sales. The TP's are then seen to take two bottles of alcohol to the counter, HUSSAIN scanning the alcohol through the till and putting them in a bag before requesting ID. The sale is not made. The police witness then approaches the counter with a single can of alcohol and the sale is made. This footage was played back and watched by HUSSAIN.

The CCTV was then requested, however HUSSAIN advised that he did not have access to a USB stick, nor did he have access to the equipment in order to provide footage onto disc. HUSSAIN had to be reminded of the requirements of the condition on the premises licence, before his friend stated he would bring the relevant equipment to download the footage.

Whilst waiting for his friend to return, HUSSAIN attempted to download the footage requested. It was clear that HUSSAIN did not know how to operate the system other than playback, eventually having to be talked through operation by police. CCTV was eventually provided on disc, with the player also provided on the disc.

HUSSAIN'S friend was asked for his details, and initially refused them, stating that he did not work at the premises, and was only at the store to see his friend. The male eventually provided his details as Kiumars ABDI. ABDI stated that he was not remaining in Southampton, but returning to Leeds in a couple of days. However, he then confirmed that he has submitted an application for a new premises licence for a premises along the road. ABDI continued to state that he has not and does not work at the premises.

[REDACTED]

HUSSAIN was then spoken to about other conditions - Training records were seen, however this is just a sheet of paper with the name of the employee and states 'I HAVE READ AND UNDERSTOOD THE TRAINING PACKAGE, AND UNDERSTOOD THAT IT IS MY RESPONSIBILITY TO KEEP UP TO DATE WITH MY TRAINING AND NEED TO COMPLETE REFRESHER TRAINING EVERY 3-6 MONTHS'.

HUSSAIN could not provide the training package that was referred to, and did not know what the training was provided. He could not provide records for himself nor for the named DPS. There was a declaration for Kiumars ABDI, which was dated 15/04/14.

HUSSAIN was asked who his personal licence holders were, and he advised that ABDI was. I advised that ABDI stated that he did not work at the premises, so queried why he was selling alcohol when ABDI was not employed by him.

HMRC then spoke with me regarding ABDI. ABDI had stated to her that he worked in Leeds with a care company, did not work at the premises, and was visiting his friend, returning to Leeds in a couple of days.

HUSSAIN was advised that I will be inviting him in for a formal PACE interview in relation to Licensing Act offences. During the conversation, HUSSAIN suggested that he would surrender the premises licence the following day, removing the alcohol from the store that evening.



Supplementary Occurrence Report

Hampshire Constabulary

Printed: 02/10/2014 19:21 by 22237

Occurrence: **44120491126 Z Prem Licence (Management Occurrence)**

Author: #22237 CONWAY, S.
Entered by: #22237 CONWAY, S.

Report time: 24/09/2014 16:30
Entered time: 24/09/2014 16:30

Remarks:

Call to DPS - no longer working at store

Report:

Telephone call made to [REDACTED] - she stated that she is no longer the DPS at Odra stores, having left some months ago. She was led to believe that HUSSAIN was putting in a new DPS in her place, so did not remove herself from the licence.

[REDACTED] has been advised that she is still named on the premises licence, and alcohol is continuing to be sold and offences are being committed. I have advised that she needs to contact the council to remove her name in writing. Due to the time of day, [REDACTED] stated that she would do this first thing Thurs am 25/09

[REDACTED] was asked about the training that was provided while she worked at the premises. She stated that the package consisted of questions, covering how to challenge, what ID can be accepted etc. She stated that she conducted refresher training at least once a month.

Supplementary Occurrence Report

Hampshire Constabulary

Printed: 02/10/2014 17:46 by 22237

Occurrence: 44120491126 Z Prem Licence (Management Occurrence)

Author: #22237 CONWAY, S.
Entered by: #22237 CONWAY, S.

Report time: 02/10/2014 17:24
Entered time: 02/10/2014 17:24

Remarks:

Meeting with new PLH / DPS Kiumars ABDI

Report:

A meeting was held with Mr Abdi, Trading Standards Lucas MARSHALL and 22237 on 30th September 2014, to discuss both the application for Odra, and the new application for 307 Shirley Road.

During the meeting, Mr Abdi disclosed that he has been in Southampton for the past 3 months or so, staying with Mr Hussein and his family. Whilst working on opening the store at 307 Shirley Road, Mr Abdi has also been helping Mr Hussein at Odra Stores, claiming this assistance is not for payment, but as a friend. Mr Abdi denied that he has described himself to police as 'the manager'. Mr Abdi intends for his friend Mr Hussein to remain at Odra Stores in order to provide experience and training in retail matters. Mr Abdi advised that he had little retail experience himself, having last worked at a retail store around 2006-2007, hence why he needed Mr Hussein to stay, and also because ABDI is still staying at 141 Wyndham Court. ABDI'S most recent employment has been with 'Care Alliance'. This is an agency for care worker.

During the meeting, Mr Abdi was not in a position to evidence his assertion that he is now the owner of the store, or a director of the company World Shop Southampton Ltd. He has a verbal agreement with Mr Hussein to buy the business in monthly instalments, expecting this to take some 14 months before the debt is paid in full. An price of £20k has been agreed. Mr Abdi was not able to provide any details of solicitors or agents who police could obtain such evidence. Mr Abdi anticipates that his girlfriend will hold the position of director of World Shop Southampton Ltd. The only details Mr Abdi could provided for his girlfriend was Rassa Satvinski or similar, from Latvia.

Mr Abdi was asked about the premises licence authorisation, and the conditions attached to the premises licence. It became apparent that Mr Abdi has not conducted any due diligence with respect to the responsibilities in the sale of alcohol. Mr Abdi cited that the store could not sell single cans, had to have a personal licence holder and not to sell to drunks or children. When asked what training package he was implementing, Mr Abdi advised that the 'sheet' was already in place. I understand Mr Abdi was referring to the declaration, which Mr Hussein had been told was not adequate.

During the conversation, it became apparent that Mr Abdi has not looked at the premises licence, nor does he know the conditions which are attached to it, simply taking verbal advice from Mr Hussein.

Mr Abdi was asked about the previous DPS Dorota Matwij. He stated that he has not seen her at the shop, only the night previous when she came to speak with HUSSEIN. ABDI stated that he did not know what this conversation was about.

Mr Abdi was also asked about the current issues at the premises, particularly in relation to S144



Licensing Act 2003 of knowingly keeping smuggled goods on the premises and food labelling issues, both of which Trading Standards have spoken directly to Mr Abdi about when he has been working at the store.

Mr Abdi was very defensive in his response, advising that he didn't have the power to do anything as he was helping out a friend, and smuggled goods and labelling were not his responsibility at the time. When this was challenged that he was in fact accountable and putting his own personal licence at risk, Mr Abdi maintained that he did not consider these issues to have been his responsibility prior to 25th September 2014.

Mr Abdi did advise that, in relation to alcohol, he understood his responsibility to sell UK duty paid products. However, in relation to cigarettes and food items, Mr Abdi did not hold the same convictions and respect for the law, or feel that there was a need to uphold the licensing objective of preventing crime and disorder.

In respect to non-duty paid cigarettes, Mr Abdi described selling these products by saying ' If someone is to come in and sell these to him (HUSSEIN), it's not going to be turned down. It's easy money'. In respect to labelling issues, Mr Abdi cited that wholesalers charged for labels, quoting £6 to £18 depending on product, and then he needed staff to apply the stickers. Mr Abdi was told a number of times that he needed to comply with the legislation by either buying the UK product or making sure an import complies with UK legislation. Mr Abdi repeated stated the view that other retailers do not comply, wholesalers sell products which do not comply, so asked why he was being made to comply.

With respect to 307 Shirley Road, ABDI advised that he will not be opening this store. ABDI was advised to contact his agent so that the formal notification of withdrawal can be made.



Thousands of illegal cigarettes seized in city-wide raids (From Daily Echo)

First published Thursday 25 September 2014 in [News](#)
Last updated 17:33 Thursday 25 September 2014

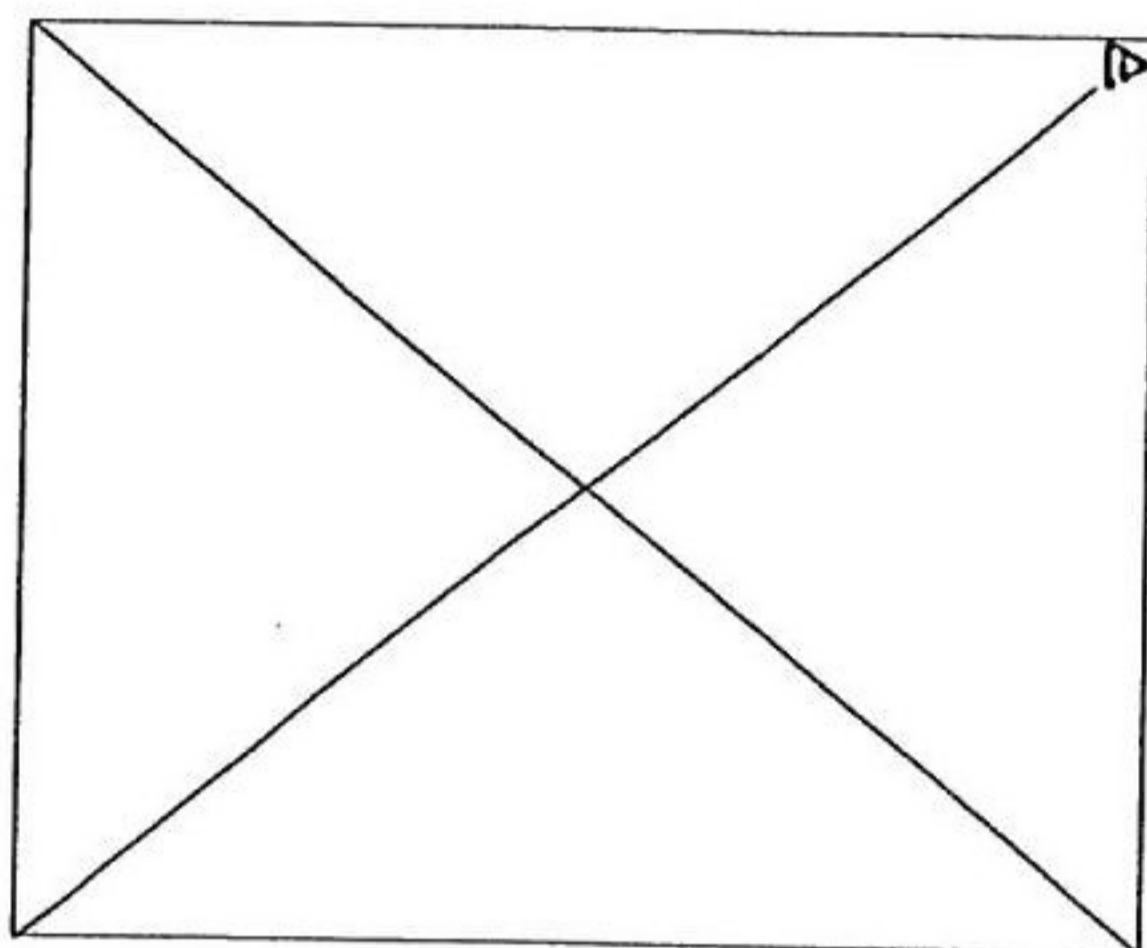


by [Patrick Knox](#), Senior Reporter

MORE than illegal 8000 cigarettes, 5.7 kilos of hand-rolling tobacco and 500 litres of alcohol have been seized in [Southampton](#) during a HM Revenue and Customs (HMRC) led operation.

Over a 100 officers from the HMRC, Hampshire police, [Southampton City Council](#) trading standards, Immigration Enforcement and Border Force officers were involved in raids across the city.

Two specialist Border Force tobacco dogs were also deployed in the operations targeting 19 shops, mainly premises in the [Shirley](#) and St Mary's districts.



The visits, as part of HMRC's Tobacco Taskforce activity, led to tobacco and alcohol products being seized from 12 stores.

The haul included: · 8,155 cigarettes · 5.7 kilos of hand-rolling tobacco · 0.45 kilos of shisha tobacco · 202 litres of wine · 121 litres of beer · 178 litres of spirits It is estimated about £8,500 of duty and VAT may have been evaded.

In one shop officers found a baggy overcoat with individual packets of cigarettes and tobacco hidden inside the lining, sleeves and

pockets.

In another tobacco was concealed under papers in a newspaper stand and tobacco goods were also found concealed within a display stand at the same outlet.

HMRC officers will also investigate associated tax offences.

Police and trading standards will be following-up four licensing enquiries.

Immigration enforcement officers carried out checks to ensure that staff were legally present in the UK and had the right to work.

John Cooper, HMRC assistant director of criminal investigation, said: "The sale of illegal tobacco and alcohol will not be tolerated by us or our partner agencies.

"Disrupting criminal trade is at the heart of our strategy to clampdown on the illicit tobacco market, which costs the UK about £2 billion a year, and the sale of illicit alcohol which costs the UK around £1 billion per year. This is theft from the taxpayer and undermines legitimate traders."

PC Andy Sparshott, of Hampshire Constabulary, said: "Hampshire Constabulary provided officers from local community policing teams in support of the HMRC operation in order to reassure the public that may have been concerned by the increased activity in their community."

Trading Standards team leader Clive Robinson said: "Working with partners to protect both consumers and legitimate businesses is good news for Southampton's residents and taxpayers.

"Our Trading Standards Officers are making further enquiries and we will be examining what additional actions, including licence reviews where appropriate, can be taken."

Anyone with information regarding tobacco fraud is encouraged to contact the Customs Hotline on 0800 59 5000 or via the website www.hmrc.gov.uk/reportingfraud/online.htm

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