

# Licensing (Licensing and Gambling) Sub-Committee

Monday, 23rd July, 2018  
at 9.30 am

**PLEASE NOTE TIME OF MEETING**

Council Chamber - Civic Centre

This meeting is open to the public

## **Members**

Three Members drawn from the Licensing Committee

## **Contacts**

Democratic Support Officer  
Pat Wood  
Tel: 023 8083 2302  
Email: [pat.wood@southampton.gov.uk](mailto:pat.wood@southampton.gov.uk)

Service Director - Transactions & Universal Services  
Mitch Sanders  
Tel: 023 8083 3613  
Email: [mitch.sanders@southampton.gov.uk](mailto:mitch.sanders@southampton.gov.uk)

## **PUBLIC INFORMATION**

The Members of the Licensing Committee are Councillors J Baillie, Blatchford, Bogle, Furnell, B Harris, Leggett, McEwing, Parnell, Streets and T Thomas

### **Terms of Reference**

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

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
  - Variation of designated premises supervisors
  - Transfer of premises licences
  - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

### **Relevant Representations**

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, can not be relied upon at the hearing.

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

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

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

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

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

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

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

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

### **Dates of Potential Meetings Municipal Year 2018/19**

Meetings are scheduled on a weekly basis usually at 6pm on a Wednesday evening.

## CONDUCT OF MEETING

### **Terms of Reference**

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

### **Business to be discussed**

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

### **Rules of Procedure**

The meeting is governed by the Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

### **Quorum 3**

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

## **DISCLOSURE OF INTERESTS**

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

### **DISCLOSABLE PECUNIARY INTERESTS**

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

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

(ii) Sponsorship:

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

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

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

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

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

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

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

## **Other Interests**

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

## **Principles of Decision Making**

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

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

In exercising discretion, the decision maker must:

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

## AGENDA

### 1 **ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

### 2 **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

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

### 3 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

### 4 **STATEMENT FROM THE CHAIR**

### 5 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meeting held on 20 June 2018 and to deal with any matters arising.

### 6 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

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

### 7 **APPLICATION FOR REVIEW OF PREMISES LICENCE - EURO FOOD STORES, 1 - 2 THE COLONNADE, BRIDGE ROAD, SOUTHAMPTON, SO19 7QT** (Pages 3 - 48)

Application for review of premises licence - Euro Food Stores, 1 - 2 The Colonnade, Bridge Road, Southampton, SO19 7QT

Friday, 13 July 2018

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 20 JUNE 2018

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Present: Councillors J Baillie, Leggett and McEwing

6. **ELECTION OF CHAIR**

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

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

**RESOLVED** that the minutes of the meeting held on 6 June 2018 be approved and signed as a correct record.

8. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the parties to the hearing, press and public be excluded at a predetermined point whilst the Sub-Committee reaches its decision.

9. **APPLICATION FOR A VARIATION OF A PREMISES LICENCE - SHELL WAITROSE HAMPTON PARK, 197 BURGESS ROAD, SOUTHAMPTON, SO17 1TU**

The Sub-Committee considered the application for variation of a premises licence in respect of Shell Hampton Park, 197 Burgess Road, Southampton SO17 1TU.

Sarah Clover (Barrister), Corrigan Lockett (Agent), Paul Hindley (Licensing Operator), Peter Wainwright (Environmental Health Officer), James Cox, Derrick Warcup and Simon Wills (Local Residents) were present and with the consent of the Chair, addressed the meeting.

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

**RESOLVED** that the variation to the premises licence be granted.

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

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

The Sub-Committee has considered very carefully the application for variation of a premises licence at Shell Hampton Park, 197 Burgess Road, Southampton SO17 1TU. It has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights legislation was borne in mind whilst making the decision.

The Sub-Committee noted that representation had been made by the Environmental Health Service and six residents. No other responsible authority had made representations.

## Reasons

The Sub-Committee heard evidence from the applicant, Environmental Health and residents both orally at the hearing and in written representations.

The objections were based on public nuisance and there was no objection to the amendments to conditions applied for. The Sub-Committee therefore grants items 1, 2, 5-8 set out in the Summary of Application at page 7 (5 of 59) of the pack.

The Sub-Committee then moved to consider items 3 and 4 the extension of hours for alcohol sales and the late night refreshment.

Generally, residents are concerned that any additional extension to licensable activities will lead to an increase in public nuisance. Accordingly, the Sub-Committee had to determine to what extent, if at all, the proposed variation would lead to additional issues at the premises. Many of the issues complained of relate to the general day to day running of the premises under its existing licence. On balance the Sub-Committee does not feel that refusing the variation sought would in actual fact address any of those concerns.

The Sub-Committee has therefore decided to grant the application subject to the following additional conditions:-

- Late Night Refreshment is limited to hot drinks;
- Signage will be displayed prominently on the forecourt in the following terms “No idling of motor vehicle engines”.

These are imposed to address the issues of nuisance raised in the objections.

There is a general right to review a premises licence which can be brought by residents or responsible authorities. In the event that the premises causes issues of concern the licence, in its entirety, can be considered at that stage where the evidence supports it. The Sub-Committee acknowledged the genuine concerns of the residents but is limited to dealing with the application in accordance with the Licensing Objectives.

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

# Agenda Item 7

**DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE**

**SUBJECT** HEARING TO CONSIDER AN APPLICATION FOR REVIEW OF A PREMISES LICENCE

Euro Food Stores, 1-2 The Colonnade, Bridge Road, Southampton, SO19 7QT

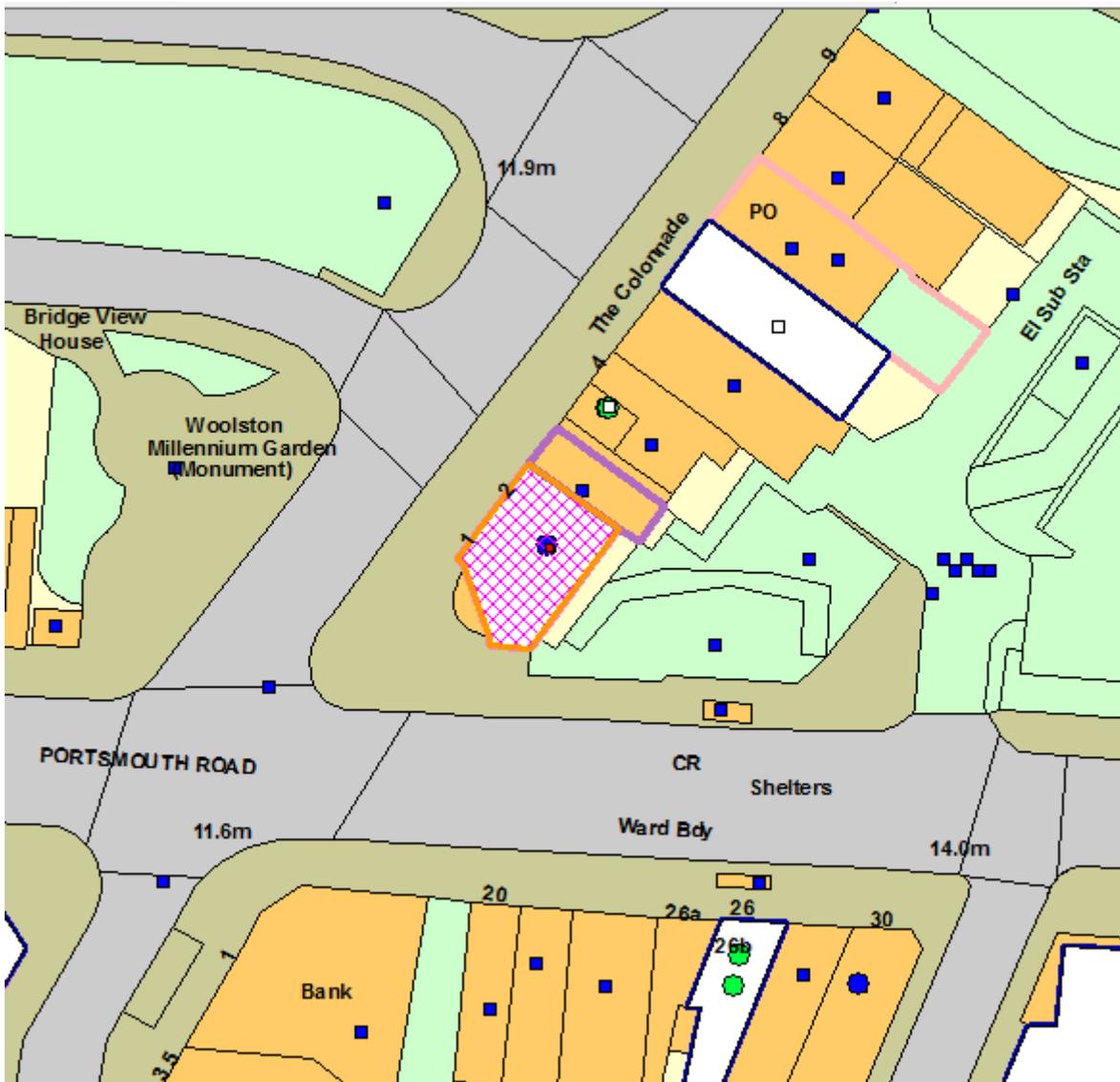
**DATE OF HEARING** 23<sup>rd</sup> July 2018 at 9:30am

**REPORT OF** SERVICE DIRECTOR – TRANSACTIONS & UNIVERSAL SERVICES

**E-mail** [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)

Application Date : 6<sup>th</sup> June 2018                      Application Received 6<sup>th</sup> June 2018

Application Valid : 6<sup>th</sup> June 2018                      Reference :                      **2018/02199/01SRAP**



## ***Responses From-Responsible Authorities***

<b>Responsible Authority</b>	<b>Responses</b>	
Children Services - Licensing	No	
Home Office	No	
Hampshire Fire And Rescue - Licensing	No	
Environmental Health - Licensing	No	
Public Health - Public Health Manager	Yes - Supporting Review Application	
Planning & Sustainability - Development Control - Licensing	No	
Police - Licensing	No	
Trading Standards – Licensing	Applicant	
<b><i>Other Representations</i></b>		
<b><u>Support for Premises</u></b>		
<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
None	None	None

## ***Legal Implications***

1. Part 3 of the Licensing Act 2003 provides that a responsible authority or any other person may apply for review of a premises licence.
2. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the licensing authority and each of the responsible authorities.
3. On receipt of an application for review, officers will consider its validity under delegated powers. Reasons for rejection, in whole or in part, include:
  - that the grounds for review are not relevant to one of more of the licensing objectives and;
  - that the application is frivolous, vexatious or repetitious, unless it is made by a responsible authority.
4. The licensing authority must display a prescribed notice of the review application on the outside or adjacent the premises, on the authority's website and at the Civic Centre; the notice must remain on display for 28 days and any interested party or the responsible authorities may make representations in that period.
5. The licensing authority is then required to hold a hearing to consider the review.
6. In doing so the sub-committee must give appropriate weight to:
  - the steps that are appropriate to promote the licensing objectives; the representations (including supporting information) presented by all the parties;

- its own statement of licensing policy
  - the Statutory Guidance
7. In determining an application for review, the legislation provides that the sub-committee may take any (or none) of the following steps, as it considers necessary:
- modify the conditions of the licence;
  - exclude a licensable activity from the scope of the licence
  - remove the designated premises supervisor;
  - suspend the licence for a period not exceeding three months
  - revoke the licence.
8. The Licensing Act 2003 provides for appeal to the Magistrates' Court against the sub-committee's decision in relation to an application for review by the premises licence holder and any other party who made a representation to the application.
9. In considering this application the sub-committee will sit in an administrative capacity and is thus obliged to consider the application in accordance, in particular, with both the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
10. The sub-committee must also have regard to:
- **The Crime and Disorder Act 1998**  
Section 17 of the Crime and Disorder Act 1998 places the sub-committee 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.
  - **The 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 sub-committee 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 sub-committee 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 sub-committee which affects another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.
11. **Relevant Representation**  
Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written representation should be served upon all parties in good time before the hearing date in order to allow proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied upon at the hearing.
12. Copies of the application for review and the representations to it are annexed to this report.

## Summary of application

<b>Premises Licence Holder</b>	Yanni Store Ltd.
<b>Designated Premises Supervisor</b>	Mr. Huner Hussen Jabber

### Licensable Activities.

Supply by retail of alcohol	<b>The opening hours of the premises</b>
Monday 08:00 - 23:00	Monday 06:00 - 23:00
Tuesday 08:00 - 23:00	Tuesday 06:00 - 23:00
Wednesday 08:00 - 23:00	Wednesday 06:00 - 23:00
Thursday 08:00 - 23:00	Thursday 06:00 - 23:00
Friday 08:00 - 23:00	Friday 06:00 - 23:00
Saturday 08:00 - 23:00	Saturday 06:00 - 23:00
Sunday 08:00 - 23:00	Sunday 06:00 - 23:00

The application for review relates to the concerns regarding the possession and repeat sale of illegal cigarettes by Yanni Store Ltd at Euro Food Stores. The latest test purchasing carried out on 4<sup>th</sup> June 2018 uncovered that the premises were in breach of various licensing conditions:

1. CCTV not working.
2. Refusal Record, Incident Book and Training Records not available for inspection
3. The following High strength alcohol were displayed for sale:
  - Okocim Mocne 7%
  - Browar Jablonowo 7.2%
  - Debowe Mocne 7%

An individual names Profesa Mamlakat Alqayamah confirmed that he was selling these items. Additionally, these beers were not labelled in English, as required under the Food Information Regulations 2014.

The licence holder has failed to meet the licensing objectives, to prevent crime and disorder.

### Conditions attached to current licence – excluding mandatory conditions.

#### 1 ) CCTV

(i) The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

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

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

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

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

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

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

## 2) Incident book

(i) An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

(ii) Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

(iii) If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

(iv) At the end of the week the incident book will be checked by the manager on duty where any entries will be reviewed and signed. Should there be no incidents then this will also be recorded in the incident book.

## 3) Refusals book

(i) A written log shall be kept of all refusals this includes refusals to sell alcohol, refusals to admit to the premises providing reasons for refusal. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

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

(iii) The record of refusals will be retained for 12 months.

NB. The same book can be used for recording incidents and refusals. A diary is often used to capture these entries.

#### 4) Challenge 25

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

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

(iii) If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

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

#### 5) Training

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

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

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

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

#### 6 Single cans of alcohol

(i) Sales of single cans of alcohol are prohibited unless part of a basket of goods other than alcohol

#### 7 High strength alcohol products

- (i) No beers, ciders or lager of 6.5%ABV or over shall be sold by retail, excluding premium products as agreed in writing, in advance with the police licensing team.

Review Application Form Trading Standards – Pages - 8 - 14

Supporting Documents from Trading Standards – Pages - 15 - 37

Public Health Letter Supporting Review Application – Pages from - 38 - 39

Existing Premises Licence - Pages from 40 - 45

# SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP

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

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Southampton City Council's Trading Standards Service

*(Insert name of applicant)*

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

### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Euro Food Store 1-2 The Colonnade Bridge Road Southampton SO19 7QT	
<b>Post town</b> Southampton	<b>Post code (if known)</b> SO19 7QT

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Yanni Store Ltd
--

<b>Number of premises licence or club premises certificate (if known)</b> 2015/02542/01SPRN
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### Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

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

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

**Name and address**

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

**Telephone number (if any)** 02380 83 [REDACTED]

**E-mail address (optional)** [REDACTED]@southampton.gov.uk

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

Please tick one or more boxes ✓

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

**Please state the ground(s) for review (please read guidance note 2)**

That the Premises Licence Holder, Yanni Store Ltd, has failed to meet the Licensing Objective, to Prevent Crime & Disorder in that illegal cigarettes were kept at and sold from the premises.

**Please provide as much information as possible to support the application (please read guidance note 3)**

This Review Application concerns the repeat sale and possession for sale of illegal cigarettes by Yanni Store Ltd, t/a Euro Food Store 1-2 The Colonnade, Bridge Road, Southampton, SO19 7QT. Yanni Store Ltd is the Premises Licence Holder at Euro Food Store and Huner Hussein JABBARI is the Designated Premises Supervisor (DPS) at that premises.

In November 2017 Southampton City Council's Trading Standards Service received a complaint alleging that illegal cigarettes were being sold by Huner Hussein JABBARI at Euro Food Store.

On 30th November 2017 Enforcement Officer GREEN purchased a packet of NZ cigarettes for only £3.50 from Euro Food Stores. The cigarettes were illegal in that they did not bear the health warnings as prescribed by Part 2 of the Tobacco & Related Products 2016 and were not labelled in English, as required by Regulation 11(4)(a), thereby constituting offences under Regulation 48(a)(i). The cigarettes were not UK Duty Paid and it is an offence under Section 144(1) of the Licensing Act 2003 to keep smuggled goods on a licensed premises

On 9th December I conducted a search of the premises. 3 packs of illegal Marlboro Gold and a packet of cigars were found and seized.

On 3rd January 2017 I interviewed JABBARI under caution. He admitted that he had sold the Marlboro, but claimed that he primarily purchased cigarettes for his own use from those that went abroad – he said that he sold the NZ and Marlboro Gold because he did not like them. JABBARI gave assurances that he would not sell illegal cigarettes again and subsequently Simple Cautions were accepted by Yanni Stores Ltd and JABBARI for offences under the Licensing Act 2003 and the Tobacco & Related Products Regulations 2016.

On 11th April 2018 I organised a further test purchase exercise. A pack of illegal L&M brand cigarettes were purchased from Euro Food Store by PCSO BROWN – they were not labelled in accordance with the Tobacco & Related Products Regulations 2016 and would have been smuggled into the UK.

On 18th April 2018 a further test purchase was attempted at the premises by PCSO BROWN, however she was told by a shop assistant that her boss had not delivered any cigarettes to the shop that day.

On 4<sup>th</sup> June 2018 a test purchase was conducted by PCSO BROWN at the premises. She purchased a pack of L&M cigarettes which were not compliant with the Tobacco & Related Products Regulations 2016 with regard to the health warnings. Enforcement officer GREEN and I entered the premises that afternoon and announced ourselves. The person present and in control of the premises identified himself as Profesa Mamlakat ALQAYAMAH. A search was conducted of the premises however no illegal cigarettes were found. ALQAYAMAH said that he did supply cigarettes to friends but denied selling illegal cigarettes. He said that the Designated Premises Supervisor (DPS) Huner Hussein JABBARI had not been to the shop for a month and had been staying in Bristol.

A check was conducted on the licence conditions whilst we were there and the majority of these were not being complied with: ALQAYAMAH said that it was currently not possible to record from the CCTV system and a new system had been ordered; ALQAYAMAH could not locate the premises' Refusals Record, Incident Book or training records; beers of over 6.5% (Okocim Mocne 7%, Browar Jablonowo 7.2% and Debowe Mocne 7%) were displayed for sale and ALQAYAMAH confirmed that he was selling these. Additionally these beers were not labelled in English, as required under the Food Information Regulations 2014.

Paragraph 11.27 of the Home Office Guidance, issued under Section 182 of the Licensing Act 2003, refers to criminal activity which should be regarded as particularly serious, and it includes the sale and storage of smuggled tobacco products. Paragraph 11.28 states that Responsible Authorities should use the review process to deter such activity.

In selling illegal cigarettes the Premises Licence Holder has failed to meet the Licensing Objective to Prevent Crime & Disorder. Unfortunately Simple Cautions have not been sufficient to deter sale of illegal cigarettes at this premises. I would therefore ask that consideration is given by the Sub-Committee to the revocation or a lengthy suspension of the Premises Licence, as a deterrent to further such activities taking place, and the addition of the following condition:

#### Traceability

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

#### Food Labelling

The Premises Licence Holder will have systems of diligence in place to prevent the sale of food and drink which does not comply with UK legislation, which will include visual checks on food and drink to ascertain whether they are labelled in English. If they are not so labelled those items will not be displayed for sale or sold.

Please tick ✓ yes



Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

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

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature  .....

Date *6/6/18* .....

Capacity Trading Standards Officer .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</b> Lucas Marshall Trading Standards Service Southampton City Council Civic Centre Southampton SO14 7LY	
<b>Post town</b> Southampton	<b>Post Code</b> SO14 7LY
<b>Telephone number (if any)</b> 02380 83 	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>  @southampton.gov.uk	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

# Caution

**OUR CASE REFERENCE:** 17/00586/SAFETY

**CRW CASE REFERENCE:**

**OFFENDER'S SURNAME:** Jabbari

**FORNAMES:** Huner Hussein

**OCCUPATION:** Manager / Designated Premises Supervisor

**HOME ADDRESS:** [REDACTED]

**DATE OF BIRTH:** [REDACTED]

**BUSINESS NAME:** Euro Food Store

**OFFICER:** L Marshall

**DATE OF OFFENCE:** 30<sup>th</sup> November & 9<sup>th</sup> December 2017

**PLACE OF OFFENCE:** Euro Food Store, 2 The Colonnade, Bridge Rd, Woolston, SO19 7QT

## BRIEF CIRCUMSTANCES OF OFFENCE:-

That Huner Hussein Jabbari, the manager and Designated Premises Supervisor at Euro Food Store, 2 The Colonnade, Bridge Rd, Southampton, SO19 7QT, did, on 30<sup>th</sup> November 2017, sell a packet of NZ brand cigarettes from that premises which did not bear health warning in English, as prescribed by Regulation 11(4)(a) of the Tobacco Products Regulations 2016, and on 9<sup>th</sup> December did have in possession for sale 3 packets of Marlboro Gold cigarettes and a packet of Panter cigars at that premises, which were also not labelled with prescribed health warnings in English, there by constituting offences under Regulation 48(a)(i) of the Tobacco & Related Products Regulations 2016.

## LEGISLATION

Regulations 11(4)(a) and 48(a)(i) of The Tobacco & Related Products Regulations 2016

Please read the declaration below and make sure you understand it before you sign.

- 1 I have admitted to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on any national convictions databases.
- 2 If new evidence comes to light suggesting that the offence(s) I have committed are more serious, you might still take legal action against me.
- 3 If there are any victims as a result of these offences, they might still take civil action against me and you might give my name and address to the victims so they can do this.
- 4 If I am charged with another offence and I go to court, you will tell the court that I have received this simple caution. It will not be cited in court after the expiry of three years from the date of your signature.
- 5 If I apply for certain licences connected with my business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision whether to issue me with a licence.
- 6 If I already work in a job which is included in the list of notifiable occupations (these are jobs where you are in a position of trust or responsibility, for example, teachers, care workers, taxi drivers, soldiers and doctors), you might tell my employer about this simple caution. (I can ask you for a copy of the full list of notifiable occupations.)
- 7 If I apply for certain jobs, either paid or unpaid, that need me to have a criminal records check (CRB check), you might give my new employer information about this simple caution. (CRB checks are needed for nearly all jobs where you work with children or vulnerable adults, as well as for other sensitive jobs involving a high level of trust.)
- 8 I understand that accepting this simple caution may mean that some countries will not allow me to live there permanently, and some may not allow me to visit (for example, on business, for a holiday or as a student).

**Declaration**

**I have read and understand all this information**

I hereby declare that I admit the offence(s) described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited in any subsequent legal proceedings. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

Name HUNER HUSSEIN JABBAR Signed 

(Block Capitals)

Dated this 16 day FEB 2018 

Name C D LYNSCOM Signed 

Authorised on behalf of Southampton City Council

Dated this 16 day FEBRUARY 2018

# Caution

**OUR CASE REFERENCE:** 17/00586/SAFETY

**CRW CASE REFERENCE:**

**COMPANY NAME:** Yanni Store Ltd

**COMPANY REGISTERED ADDRESS:** 2 The Colonnade, Bridge Road, Southampton, SO19 7QT

**COMPANY REGISTERED NUMBER** 10882030

**DATE OF OFFENCE:** 9<sup>th</sup> December 2017

**PLACE OF OFFENCE:** Euro Food Store, 2 The Colonnade, Bridge Road, Southampton, SO19 7QT

## **BRIEF CIRCUMSTANCES OF OFFENCE:-**

**That on 9<sup>th</sup> December 2017 Yanni Food Store Ltd, the Premises Licence Holder at 2 The Colonnade, Bridge Road, Southampton SO19 7QT did knowingly keep goods, namely 3 packets of Marlboro Gold cigarettes and one packet of Panter cigars, which had been imported without payment of duty, at that premises thereby constituting an offence under Section 144(1) of the Licensing Act 2003**

## **LEGISLATION**

Section 144 Licensing Act 2003

**Please read the declaration below and make sure you understand it before you sign.**

1. The company admits to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on any national convictions databases.
2. If new evidence comes to light suggesting that the offence(s) the company has committed are more serious, you might still take legal action against the company.
3. If there are any victims as a result of these offences, they might still take civil action against the company and you might give the name and address of the company's registered office to the victims so they can do this.
4. If the company is charged with another offence and we go to court, you will tell the court that the company has received this simple caution. It will not be cited in court after the expiry of three years from the date of your signature.
5. If the company applies for certain licences connected with the business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision whether to issue any licence.
6. I also understand that in some circumstances the company may be under a duty to disclose the existence of this Caution.

I hereby declare that I

HUNER JABBAR I

am authorised by the company to admit the offence(s) described above and agree to accept a Caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should the Company be found to be infringing the law in the future. I further understand that this Caution may be cited should the Company subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances the company may be under a duty to disclose the existence of this Caution.

NAME (Block capitals) HUNER HUSEIN JABBAR I

SIGNED: 

POSITION WITH THE COMPANY MANAGER - REPRESENTATIVE DIRECTOR

DATED THIS 16 DAY of 02 2018

AFTER A SIGNATURE HAS BEEN ADDED ABOVE, AN OFFICER OF SOUTHAMPTON CITY COUNCIL WILL COUNTERSIGN AND RETURN A COPY.

NAME (Block capitals) C D POLINSKY

SIGNED: 

DESIGNATION: SOURCE MANAGER

DATED THIS 16 DAY of FEB 2018

# Caution

**OUR CASE REFERENCE:** 17/00586/SAFETY

**CRW CASE REFERENCE:**

**OFFENDER'S SURNAME:** Jabbari

**FORNAMES** Huner Hussein

**OCCUPATION:** Designated Premises Supervisor

**HOME ADDRESS:**

**DATE OF BIRTH:**

**BUSINESS NAME:** Euro Food Store

**OFFICER:** L Marshall

**DATE OF OFFENCE:** 9<sup>th</sup> December 2017

**PLACE OF OFFENCE:** Euro Food Store, 2 The Colonnade, Bridge Rd, Woolston, SO19 7QT

## **BRIEF CIRCUMSTANCES OF OFFENCE:-**

That on 9<sup>th</sup> December 2017 Huner Hussein Jabbari, the Designated Premises Supervisor at 2 The Colonnade, Bridge Road, Southampton, SO19 7QT did knowingly keep goods, namely 3 packets of Marlboro Gold cigarettes and one packet of Panter cigars, which had been imported without payment of duty, at that premises thereby constituting an offence under Section 144(1) of the Licensing Act 2003

## **LEGISLATION**

### **Section 144 Licensing Act 2003**

**Please read the declaration below and make sure you understand it before you sign.**

- 1 I have admitted to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on any national convictions databases.
- 2 If new evidence comes to light suggesting that the offence(s) I have committed are more serious, you might still take legal action against me.
- 3 If there are any victims as a result of these offences, they might still take civil action against me and you might give my name and address to the victims so they can do this.
- 4 If I am charged with another offence and I go to court, you will tell the court that I have received this simple caution. It will not be cited in court after the expiry of three years from the date of your signature.
- 5 If I apply for certain licences connected with my business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision whether to issue me with a licence.
- 6 If I already work in a job which is included in the list of notifiable occupations (these are jobs where you are in a position of trust or responsibility, for example, teachers, care workers, taxi drivers, soldiers and doctors), you might tell my employer about this simple caution. (I can ask you for a copy of the full list of notifiable occupations.)
- 7 If I apply for certain jobs, either paid or unpaid, that need me to have a criminal records check (CRB check), you might give my new employer information about this simple caution. (CRB checks are needed for nearly all jobs where you work with children or vulnerable adults, as well as for other sensitive jobs involving a high level of trust.)
- 8 I understand that accepting this simple caution may mean that some countries will not allow me to live there permanently, and some may not allow me to visit (for example, on business, for a holiday or as a student).

**Declaration**

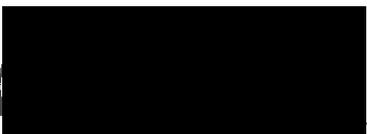
**I have read and understand all this information**

I hereby declare that I admit the offence(s) described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited in any subsequent legal proceedings. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

Name HUNER HUSSEIN SABBARI Signed 

(Block Capitals)

Dated this 16 day FEB 2018

Name C D LYNSAY Signed 

Authorised on behalf of Southampton City Council

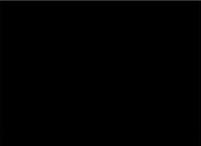
Dated this 16 day May 2018

STATEMENT OF: **Dagmara BROWN**

AGE IF UNDER 18: **OVER 18**

This statement (consisting of 1 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 16<sup>th</sup> April 2018

Signature: 

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

~~I ..... of .....~~

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

~~Dated the ..... day of ..... 201..... Signature: .....~~

A

My name is Dagmara Brown and I am employed by Hampshire Police as a Police Community Support

Officer. My collar number is 16484 and I am stationed at Hightown Fire Station. On Wednesday 11<sup>th</sup> April 2018, I was assisting Trading Standards Officers Lucas Marshall and Vanessa Green with an illegal

B

tobacco investigation. I was tasked with purchasing a packet of "cheap" cigarettes from a number of shops in Southampton. At 1320 hours, I entered EURO FOOD STORE, 2 The Colonnade, Bridge Road in

C

WOOLSTON. There was one lone male behind the counter. He was aged approximately in his 30's. He was a white male, brown hair, scruffy looking. He had facial hair (moustache and beard). Wearing a beige

D

baseball cap, white t-shirt with a tiger's head print on the front. He was also wearing a dark grey jacket over his top with an open zip and blue jeans. I asked him for any Polish cigarettes, as I placed a bottle of

E

juice on the counter. He asked "Which ones?" I said "any cheap ones". He said that he has L&M, Richmond, Mayfair and a brand I never heard of and started with 'K' I asked for L&M. As far as I

remember he had English accent. He reached under the counter and placed a white and blue packet of L&M cigarettes on the counter. I asked how much they were, and he said "six pounds". He put the

transaction through the till and the total came to £6.69. I paid with a ten pound note. He gave me the change and I left the shop with the cigarettes and juice. I met up with Vanessa Green in her car parked in

the nearby car park and I put the cigarettes in an evidence bag straight away. I exhibit the packet of cigarettes that I purchased in this store as exhibit DB/01.

Signature: ... 

ST1(1  
)HQ

STATEMENT OF: **Dagmara Brown**

HOME ADDRESS:

BUSINESS ADDRESS: **Hightown Fire station, 35 Coates Road, Southampton**

DATE OF BIRTH:



OCCUPATION: **Police Community Support Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO: **101**

WITNESS AVAILABILITY (Delete dates to be avoided)

Month of April							Month of .....							Month of .....						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	x	15	16	17	18	19	20	21	15	16	17	18	19	20	21
x	x	x	x	x	x	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
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Month of .....							Month of .....							Month of .....						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
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29	30	31					29	30	31					29	30	31				

CONTACT POINT IF DIFFERENT FROM ABOVE:

ADDRESS:

TELEPHONE NO:

STATEMENT TAKEN BY:

INCIDENT NO:

**CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

Record below anything that may affect the credibility of the person making this statement, eg previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated the 16/04/2018

Signed





101098375

Discard this form  
Do not use for other purposes  
Do not reuse  
Do not use for other purposes  
Do not reuse

# EVIDENCE BAG

(Continued)

Name/Block No. (Block Letters) \_\_\_\_\_ (Continuity) \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

Name/Block No. (Block Letters) \_\_\_\_\_ (Continuity) \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

Name/Block No. (Block Letters) \_\_\_\_\_ (Continuity) \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

Name/Block No. (Block Letters) \_\_\_\_\_ (Continuity) \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

 **Trading Standards Service**

Incident reference  
17/00586/SAFE7

Exhibit reference  
DB101

Description of article  
1x 20 Pack L&M Cigarettes  
Polish, Purchased from  
Food Store 11/4/18.

Signature of person originally identifying  


Name of person originally identifying (block letters)  
DAGMARA BROWN

EH 126 0710 22561

Dym szkodzi Twoim  
dzieciom, rodzinie  
i przyjaciołom



901 108 108 www.sakrzuripaleni.pl

**PARKING SERVICES WITNESS STATEMENT**

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2005 (Rule 27.1))

STATEMENT OF: **Vanessa Green**  
 AGE IF UNDER 18: **OVER 18**

This statement (consisting of 1 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 22nd June 2018

Signature: 

~~..... being unable to read the statement,  
 I ..... of .....  
 ..... read it to him/her before he/she signed  
 Dated the ..... day of .....201 Signature: .....~~

A My name is Vanessa GREEN, and I am employed by Southampton City Council as the Parking  
 B Fraud Investigations Officer. On Wednesday 11<sup>th</sup> April 2018, I was assisting Trading Standards  
 C with an illegal tobacco test purchase operation. PCSO Dagmara BROWN was with me, and she  
 D was tasked with attempting to purchase an illegal tobacco product from Euro Food Store at 2  
 E The Colonnade, Bridge Road, Southampton, SO19 7QT. I drove Mrs BROWN to the vicinity of  
 the store, and waited in the car whilst she went into Euro Food Store. The time was 13:20.  
 There was a small dark grey car parked on the forecourt to the left of the shop door. Mrs  
 BROWN returned at 13:26 with a packet of L&M cigarettes and a botte of drink. She dropped  
 the cigarettes into an exhibit bag, and then I looked at the packaging. The health warning was  
 not written in English. I asked her how much the cigarettes cost, and she said six pounds. Mrs  
 BROWN told me that she was offered L&M, Richmond, Mayfair and a Russian brand of  
 cigarettes, and that the shop worker obtained them from under the counter. I asked Mrs  
 BROWN to describe the person that sold her the cigarettes. She told me that it was an IC1 male  
 aged older than 30, looked scruffy, and he had a moustache and beard. She said he was  
 wearing a cream baseball cap and a t-shirt with an image of a tiger on the front. We then drove  
 away from the area. Signature:  .....

STATEMENT OF: **Vanessa Green**

HOME ADDRESS:

BUSINESS ADDRESS: **Parking Services, Civic Centre, Southampton, SO14 7XY**

DATE OF BIRTH: 

OCCUPATION: **Parking Fraud Investigations Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO: **02380 83** 

WITNESS AVAILABILITY (Delete dates to be avoided)

Month of							Month of							Month of						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
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Month of .....							Month of .....							Month of .....						
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29	30	31					29	30	31					29	30	31				

CONTACT POINT IF DIFFERENT FROM ABOVE:

ADDRESS:

TELEPHONE NO:

STATEMENT TAKEN BY:

INCIDENT NO: **CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

Record below anything that may affect the credibility of the person making this statement, eg previous convictions, relationship to defendant. If there is nothing state 'none' below.

*None*

Dated the 22<sup>nd</sup> June 2018

Signed  .....

STATEMENT OF: **Dagmara BROWN**

AGE IF UNDER 18: **OVER 18**

This statement (consisting of 1 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 04<sup>th</sup> June 2018

Signature:

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

Dated the ..... day of ..... 201..... Signature:

A

My name is Dagmara Brown and I am employed by Hampshire Police as a Police Community Support

Officer. My collar number is 16484 and I am stationed at Hightown Fire Station. On Monday 04<sup>th</sup> June 2018, I was assisting Trading Standards Officers Lucas Marshall and Vanessa Green with an illegal tobacco investigation. I was tasked with purchasing a packet of "cheap" cigarettes from a shop in

B

Southampton. At 1526 hours, I entered EURO FOOD STORE, 2 The Colonnade, Bridge Road in WOOLSTON. There was one lone male behind the counter. He was aged approximately in his 30's. He had darker skin, black hair and facial hair (moustache and beard). He was wearing a beige baseball cap,

C

grey t-shirt with a word 'Epic' written on the front. I asked him for 'L&M blue' cigarettes, while reaching under the counter he told me 'it will be six pounds'. I asked him 'why so expensive?' and he answered 'Because Polish people sold me for five pounds' He reached under the counter and placed a white and

D

blue packet of L&M cigarettes on the counter. I paid with a ten pound note. He gave me four pounds change and I left the shop with the cigarettes. I met up with Vanessa Green and Lucas Marshall in a car parked in the nearby car park and I put the cigarettes in an evidence bag straight away and handed to

E

Lucas Marshall.

Signature: .....

ST1(1  
)HQ

STATEMENT OF: **Dagmara Brown**

HOME ADDRESS:

BUSINESS ADDRESS: **Hightown Fire station, 35 Coates Road, Southampton**

DATE OF BIRTH: [REDACTED]

OCCUPATION: **Police Community Support Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO: **101**

WITNESS AVAILABILITY (Delete dates to be avoided)

Month of April							Month of							Month of						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
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15	16	17	18	19	20	x	15	16	17	18	19	20	21	15	16	17	18	19	20	21
x	x	x	x	x	x	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
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15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

CONTACT POINT IF DIFFERENT FROM ABOVE:

ADDRESS:

TELEPHONE NO:

STATEMENT TAKEN BY:

INCIDENT NO:

**CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

Record below anything that may affect the credibility of the person making this statement, eg previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated the 04/06/2018

Signed .....

**WITNESS STATEMENT**

(Criminal Procedure Rules, Rule 27.1(1);

Criminal Justice Act 1967, Section 9; Magistrates Courts Act 1980, Section 5B

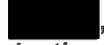
Page 1

Statement of: **LUCAS MARSHALL**

Age if under 18:	Over 18	Occupation:	<b>Trading Standards Officer</b>
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This statement (consisting of ..... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:		Date:	2/7/18
------------	---	-------	--------

My name is Lucas MARSHALL. I am employed by Southampton City Council as a Trading Standards Officer. On 4<sup>th</sup> June 2018 I was involved in an illegal cigarette test purchase exercise. I was assisted by Parking Fraud Investigations Officer Vanessa GREEN and PCSO Dagmara BROWN. The purpose of the exercise was to attempt a test purchase of illegal cigarettes from a licensed premises called Euro Food Store, 2 The Colonnade, Bridge Rd, Woolston. PCSO BROWN was tasked with acting as a customer to make the purchase. At approximately 15:30 I observed PCSO BROWN leave our vehicle and head towards Euro Food Store. Shortly after she returned to our vehicle with a packet of 20 L&M brand cigarettes. I examined the cigarettes and established that they were illegal in that they did not comply with the health labelling requirements of the Tobacco & Related Products Regulations 2016, in that the warnings were not in English. I took the cigarettes from PCSO BROWN, which I placed in a sealed bag, no 1098371, and I produce this as exhibit LM/EFS/JUN/1. GREEN and I then returned PCSO BROWN to Hightown Station and we returned to Euro Food Store. At approximately 16:00 GREEN and I entered the premises and identified ourselves to the person in control of the shop. He appeared to be in his 40's, of Iraqi appearance and was wearing a t-shirt with "Epic" written on it. I explained that illegal cigarettes had been sold from the shop and I cautioned him. He identified himself as: Profesa Mamlakat ALQAYAMAH, dob , home address . He said that he is involved in the business which trades as Kafka Café at 322 Shirley Rd. He confirmed that Huner JABBARI owns Euro Food Store, and that JABBARI had last attended Euro Food Store a month ago and had been living in Bristol. He said that that he is looking at buying the business. I issued Consumer Rights Act and PACE Code B Notices to ALQAYAMAH and commenced a search of the premises, however no illegal tobacco products were found. There had been a car parked immediately outside the shop at the time of our entry to the premises which ALQAYAMAH initially said was not his, but later confirmed that he drove. My intention was to search this vehicle following the search

Signature:  Date: 2/7/18

**WITNESS STATEMENT**

(Criminal Procedure Rules, Rule 27.1(1);

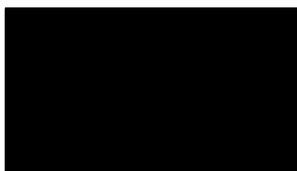
Criminal Justice Act 1967, Section 9; Magistrates Courts Act 1980, Section 5B

Page 2

Statement of: **LUCAS MARSHALL**

of the shop, however when we went to do so we found that it had gone. Whilst under caution ALQAYAMAH said that he only supplies illegal cigarettes to 4 friends. Whilst at the premises I checked for compliance with conditions on the premises licence. Beers were displayed for sale which were over 6.5% in alcoholic strength, namely Okocim Mocne 7%, Browar Jablonowo Mocne 7.2% and Debowe Mocne 7%. These beers were also not compliant with the provisions of the Food Information Regulations 2014, in that they were not labelled in English. ALQAYAMAH confirmed that he sold these beers. He said that it was not possible to operate the CCTV system and take recordings from it as they do not know the password, and that they had ordered a new system. ALQAYAMAH did not know what a refusals record was, and could not provide this, or an incidents book or training records. GREEN and I left the premises at approximately 17:10. On 5<sup>th</sup> June 2018 I posted a letter to JABBARI inviting him to attend interview regarding the sale of illegal cigarettes on 4<sup>th</sup> June. I also e-mailed a copy of this letter to him on 6<sup>th</sup> June. To this date I have not yet received a response.

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

*2/7/18*

**WITNESS STATEMENT**

(Criminal Procedure Rules, Rule 27.1(1);

Criminal Justice Act 1967, Section 9; Magistrates Courts Act 1980, Section 5B

Page 3

Statement of: **LUCAS MARSHALL**

**Trading Standards and Prosecution only  
RESTRICTED: DO NOT DISCLOSE**

**WITNESS DETAILS**

<b>Home Address:</b>			
		<b>Post Code:</b>	
<b>Home Telephone:</b>		<b>Mobile:</b>	
<b>Work Telephone:</b>	02380 83 [REDACTED]	<b>Email:</b>	[REDACTED]@southampton.gov.uk
<b>Date of Birth:</b>	[REDACTED]	<b>Place of Birth:</b>	
<b>Previous Name:</b>			

<b>Alternative Address:</b>	Trading Standards Service, Southampton City Council, Civic Centre Rd, Southampton		
	<b>Post Code:</b>	SO14 7LY	

<b>APP Number:</b>			
<b>Statement taken by:</b>	[REDACTED]		
<b>Time and Place Statement Taken:</b>	CIVIC 2/7/18		

Signature: [REDACTED]

Date: 2/7/18

**WITNESS STATEMENT**  
(Criminal Procedure Rules, Rule 27.1(1);  
Criminal Justice Act 1967, Section 9; Magistrates Courts Act 1980, Section 5B  
Page 4

Statement of: **LUCAS MARSHALL**

Signature: ..... Date: .....



Trading Standards Service

Incident reference

1705811/JARETT

Exhibit reference

LMJEFFSON/1

Description of article

Pack 20 L&M CLEARICE

Signature of person originally identifying



Name of person originally identifying (block letters)

LUCAS MARSHALL

EH126 0710.22561



**PARKING SERVICES WITNESS STATEMENT**

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2005 (Rule 27.1))

STATEMENT OF: **Vanessa Green**

AGE IF UNDER 18: **OVER 18**

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

Dated the 22nd June 2018

Signature: [Redacted]

~~..... being unable to read the statement,  
I ..... of .....  
..... read it to him/her before he/she signed  
Dated the ..... day of .....201 Signature: .....~~

A  
B  
C  
D  
E

My name is Vanessa GREEN, and I am employed as the Parking Fraud Investigations Officer at Southampton City Council. On 4<sup>th</sup> June 2018, I was assisting Trading Standards Officer Lucas MARSHALL with an illegal tobacco investigation at Euro Food Store at 2 The Colonnade, Bridge Road, Southampton. I drove Mr MARSHALL and PCSO Dagmara BROWN to the vicinity of this store. I waited in the car with Mr MARSHALL whilst PSCO BROWN attempted to purchase some cigarettes from Euro Food Store. There was a small dark grey car parked on the pavement to the left of the door of the store. A few minutes later, she returned to the car with one packet of Marlboro Gold cigarettes. She passed them to Mr MARSHALL and she told us that they cost £6.00. She also told us that the person who sold the cigarettes to her was a male of Eastern appearance, and that he was wearing a grey baseball cap and a grey t-shirt with "epic" written across the chest. I then drove to PCSO BROWN's office to drop her off. I then drove back to Euro Food Store with Mr MARSHALL to conduct a search of the premises. We entered the store at 16:00. One male was behind the counter. I introduced myself to him and showed him my council identity card. He was wearing a grey baseball cap, a grey t-shirt with "epic" written on the front, denim shorts and blue shoes. He had a beard. Mr MARSHALL

Signature: [Redacted]

ST1(1)HQ

STATEMENT OF: **Vanessa Green**

HOME ADDRESS:

BUSINESS ADDRESS: **Parking Services, Civic Centre, Southampton, SO14 7XY**

DATE OF BIRTH: 

OCCUPATION: **Parking Fraud Investigations Officer**

HOME TELEPHONE NO:

BUSINESS TELEPHONE NO: **02380 83** 

WITNESS AVAILABILITY (Delete dates to be avoided)

Month of							Month of							Month of						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
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Month of .....							Month of .....							Month of .....						
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29	30	31					29	30	31					29	30	31				

CONTACT POINT IF DIFFERENT FROM ABOVE:

ADDRESS:

TELEPHONE NO:

STATEMENT TAKEN BY:

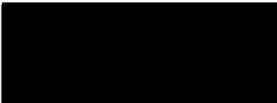
INCIDENT NO:

**CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

Record below anything that may affect the credibility of the person making this statement, eg previous convictions, relationship to defendant. If there is nothing state 'none' below.

*None*

Dated the 22<sup>nd</sup> June 2018

Signed  .....

BY: Vanessa Green

A explained that we were at the store to investigate the sale of illegal cigarettes, and I heard the  
male say "We don't sell". I heard the male give his date of birth as [REDACTED], but I did not hear  
the year. He gave his address as [REDACTED] Southampton. He gave his  
B telephone number as [REDACTED]. He said his wallet was in his car when asked if he had any  
proof of his identity. He gestured with his hand towards the car park opposite the store. He  
denied the car parked on the pavement outside being anything to do with him. I then witnessed  
C Mr MARSHALL caution the male. The time was 16:05. When asked if he understood the  
caution, he said "sure". I proceeded to search the counter area and store with Mr MARSHALL. I  
did not find any tobacco products in the store. During the search, the male popped outside. I  
went outside too, but could not see him. Seconds later he reappeared in the store. A white male  
D in a purple t-shirt and blue jeans twice came to the door of the store but did not come in. On the  
third time I saw him, I went outside and asked if he was looking to buy cigarettes. He said "yes".  
I said that this shop didn't have any, and asked him where he usually bought them from. He said  
"here", whilst pointing to Euro Food Store, and "at the car wash up the road". I returned to the  
store and observed Mr MARSHALL continue to question the male about the sale of illegal  
E tobacco products. I heard the male state that he would get foreign cigarettes from friends who  
had been abroad, and that he would sell them to four of his friends. Mr MARSHALL reminded him  
about seeing his identify proof. We all went outside, and the male said that his car had gone. He  
said that his friend had borrowed it. I noticed that the grey car on the forecourt had gone. We  
F asked if that was the car he was talking about, and he admitted that he shared that car with a  
friend. The male made a phone call on his mobile phone, and another male of eastern  
appearance arrived. I saw him show his bank card to Mr MARHALL, so he could write down the  
friend's name. The friend handed a wallet to the male working in the store. I witnessed Mr  
MARSHALL question the male shop worker about the CCTV in the store. The male said that he  
G didn't have the password to enable him to play back or review the stored footage. Mr  
MARSHALL then checked the alcohol license for the premises, and then looked in the drinks  
refrigerators. Mr MARSHALL showed me some high strength cans of alcohol, and he told me

Signature: [REDACTED] .....

ST1(2)HQ

BY: Vanessa Green

A that they contained more alcohol than was permitted on the license. Mr MARSHALL and I then  
left the store. The time was approximately 17:10. Signature: 

B

C

D

E

F

G

ST1(2)HQ

**From:** [Marshall, Lucas](#)  
**To:** [Licensing](#); ["yanni201@hotmail.com"](#); [Poole, Leena](#)  
**Cc:** ["Licensing & Alcohol Harm Reduction Team Mailbox"](#); [Swallow, Brian](#); [Gilbert, Philip](#)  
**Subject:** Euro Food Store representations  
**Date:** 03 July 2018 08:05:28

---

Dear Sir/Madam

### **Licensing Act 2003**

On the afternoon of 2<sup>nd</sup> June 2018 I visited Euro Food Store, 2 The Colonnade, Bridge Rd, Woolston. The purpose of my visit was to deliver additional representations made by Southampton City Council's Trading Standards Service in relation to their Licence Review Application for the premises. There was one person in control of the premises. He claimed that he did not work there and was unable to produce means of identification. He identified himself as:

Adam GIL

██████████ Southampton, ██████████

I asked if he was permitted to work in the UK and he said "Yes, since yesterday".

Whilst I was taking details from him I witnessed him sell a single can of Tyskie 5% beer to a customer, in breach of the single can condition on the Premises Licence.

I asked him who the owner of the business was. He said it was Dylan, and did not know his surname. He then phoned the owner on ██████████ and I asked to speak to him. The male identified himself as Profesa Mamlakat ALQAYAMAH. I asked him if he was now the owner of the business. He said that "it was complicated" and failed to give an intelligible answer to this simple question. He said that he had not spoken to the DPS JABBARI for a month.

I left a copy of my representations at the premises and instructed GIL and ALQAYAMAH that they were for JABBARI's attention.

I would ask that this e-mail is held as an additional representation in relation to the Review Application.

Yours faithfully

Lucas Marshall

Lucas Marshall  
Trading Standards Officer  
Environmental Health and Consumer Protection Division  
**Southampton City Council**  
Tel 023 8083 ██████████

Direct dial: 023 8083 [REDACTED]  
Email: [REDACTED]@southampton.gov.uk  
Please ask for: Philip Gilbert

Fax:  
Minicom:  
Our ref:

Date: 13 June 2018

Licensing Department  
Civic Centre  
Southampton  
SO14 7LS

To Whom It May Concern,

**Re: Euro Food Store Review**

This representation is made on behalf of the Director for Public Health at Southampton City Council in his role as a responsible authority under the Licensing Act 2003, in support of Trading Standards Service, Southampton City Council's application to review the above premises license on the following grounds:

1. The prevention of crime and disorder

**The Prevention of Crime and Disorder**

The premises have been storing and selling tobacco products which do not display the relevant health warnings as required by Part 2 of the Tobacco & Related Products 2016. The cigarette packages were not labelled in English as required by Regulation 11(4)a and thereby constitute offences under Regulation 48(a)(i). Additionally the cigarettes were not UK Duty Paid, and it is an offence under Section 144(1) of the Licensing Act of 2003 to keep smuggled goods on a licensed premises.

Revised Guidance issued under section 182 of the Licensing Act 2003 states:

*"11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:*

- *For the sale or storage of smuggled tobacco and alcohol*

*11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered."*

The illicit tobacco trade is dominated globally by organised criminals, and the proceeds from the sale of illegal tobacco is used to fund crime across the globe. Illicit whites, such as the L&M cigarettes that were found on site are produced legally in other countries and then smuggled into the UK with the sole purpose of avoiding tax. This has a consequence of making tobacco more affordable which reduces the impact of policies designed to reduce the health

harms from tobacco, therefore undermining both tax and public health policy. These illicit whites are regulated much less in their country of origins and have the potential to be more dangerous than tobacco produced to the standards required by UK law, both because of their contents and the potential increased risk of them causing domestic fires.

This illegal trade also harms legitimate businesses, who cannot compete with the reduced price offered by illegal tobacco sellers, and costs the country £2billion in lost revenue.

Public Health data and policy is clear on the dangers of tobacco, and the Department for Health has produced the report 'Towards a Smokefree Generation' which outlines the measures from the government to prevent these deaths. These measures include graphic health warnings and prohibitive pricing. By evading these measures illegal tobacco makes it easier for children to purchase tobacco products at pocket money prices. This is a significant issue because 77% of smokers in 2014 started before they were 18, often beginning before they are aware of the health impacts.

Maintaining high duty rates on tobacco is a proven and effective means through which to reduce smoking, both by providing an incentive to quit, and a disincentive for young people to begin in the first place.

Government initiatives like standardised packaging and graphic health warnings have been proven to reduce tobacco consumption by removing the brand awareness from smoking, and have international support from the World Health Organisation as part of their Framework Convention for Tobacco Control, and illicit tobacco seeks specifically to undermine this work.

We are additionally very concerned that the premises had not had a Designated Premises Supervisor present for an extended period of time, did not have a Closed Circuit Television (CCTV) system that was able to record, and did not have a records of relevant staff training, refusals of sales to minors, or incidents. This lack of due diligence raises further questions about the license holder's dedication to the other licensing objectives.

For these wide ranging reasons, we would strongly support this review.

Yours sincerely

Philip Gilbert  
Public Health Practitioner



**Schedule 12  
Part A  
Premises Licence**

Regulation 33,34

**Premises licence number**

2017/04250/01SPRD

**Part 1 – Premises details**

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

**Euro Food Stores**  
1-2 The Colonnade  
Bridge Road  
Southampton  
SO19 7QT

**Telephone number**

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

Supply by retail of alcohol

**The times the licence authorises the carrying out of licensable activities**

Supply by retail of alcohol

Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	08:00 - 23:00

**The opening hours of the premises**

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

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption off the premises



**Part 2**

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

Yanni Store Ltd.  
2 The Colonnade  
Bridge Road  
Southampton  
SO19 7QT

Electronic Mail yanni201@hotmail.com



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

10882030



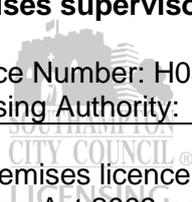
**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Huner Hussen Jabber



**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence Number: H05058  
Licensing Authority: Hounslow Council



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

Dated this 11th day of October 2017;



**Licensing Manager**  
Southampton & Eastleigh Licensing Partnership  
PO Box 1767  
Southampton  
SO18 9LA

## Annex 1 – Mandatory Conditions

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

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

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

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

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition set out in paragraph 1 —

(a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) 'permitted price' is the price found by applying the formula —

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence —

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Annex 2 – Conditions consistent with the operating Schedule

### 1 1) CCTV

(i) The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

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

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

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

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

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

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

### 2) Incident book

(i) An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

(ii) Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

(iii) If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

(iv) At the end of the week the incident book will be checked by the manager on duty where any entries will be reviewed and signed. Should there be no incidents then this will also be recorded in the incident book.

### 3) Refusals book

(i) A written log shall be kept of all refusals this includes refusals to sell alcohol, refusals to admit to the premises providing reasons for refusal. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

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

(iii) The record of refusals will be retained for 12 months.

NB. The same book can be used for recording incidents and refusals. A diary is often used to capture these entries.

### 4) Challenge 25

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

- (ii) Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.
- (iii) If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.
- (iv) 'Challenge 25' posters shall be displayed in prominent positions at the premises.

5) Training

- (i) Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.
- (ii) All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.
- (iii) In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.
- (iv) All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

6 Single cans of alcohol

- (i) Sales of single cans of alcohol are prohibited unless part of a basket of goods other than alcohol

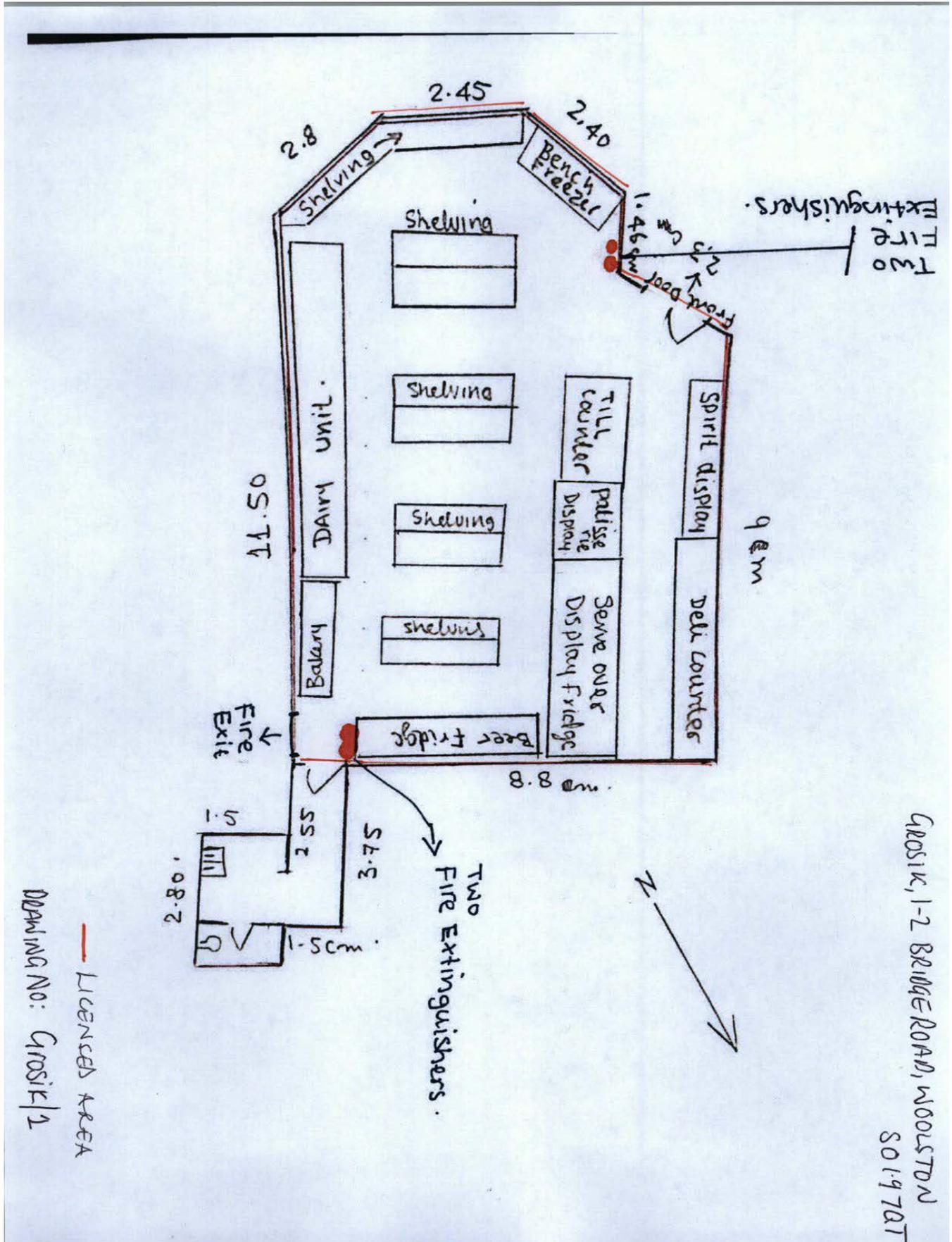
7 High strength alcohol products

- (i) No beers, ciders or lager of 6.5%ABV or over shall be sold by retail, excluding premium products as agreed in writing, in advance with the police licensing team.

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

1 None





Plan not to scale

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