

LICENSING SUB-COMMITTEE – 11 DECEMBER 2012

APPLICATION FOR REVIEW OF A PREMISES LICENCE – DAILY FOODS, 33 RUMBRIDGE STREET, TOTTON

1. INTRODUCTION

- 1.1 The purpose of this report is to consider an application for the review of a premises licence under section 51 of the Licensing Act 2003.

2. APPLICATION

- # 2.1 Hampshire County Council Trading Standards Service has made an application for the review of Daily Foods, Rumbridge Street, Totton. The application is attached as **Appendix 1**.

3. REPRESENTATIONS

- # 3.1 Representations in support of the review have been received on behalf of the Chief Officer of Hampshire Constabulary. A copy of the Police representation is attached as **Appendix 2**. This also includes a CD containing CCTV footage (referenced as Appendix 6 in the submission document) from the premises which will be made available at the hearing.

4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to consider the review application and all relevant representations. The application for review was received on 18 October 2012. The last day for representations was 15 November 2012.
- # 4.2 The relevant section (paragraphs 11.1 – 11.30) of the Home Office guidance issued under section 182 of the Licensing Act 2003 relating to the review process, is attached as **Appendix 3**.

5. CONCLUSION

- 5.1 Members must, having regard to the application and any relevant representations, consider which of the following measures are appropriate for the promotion of the licensing objectives:
- To modify the conditions of the licence,
 - To exclude a licensable activity from the scope of the licence,
 - To remove the designated premises supervisor,
 - To suspend the licence for a period not exceeding three months,
 - To revoke the licence; or
 - To take no further action in this matter.

6. RECOMMENDATION

6.1 That the Licensing Sub-Committee determines the application.

Further Information:

Paul Weston
Licensing Services
Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

Background papers:

Appendix 1 (Section 51 Application)
Appendix 2 (Relevant Representations)
Appendix 3 (Home Office Guidance)

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

We Hampshire County Council Trading Standards Service wish to apply for a review of a Premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Daily Foods 33 Rumbridge Street Totton	
Post town Southampton	Post code SO40 9DQ

Name of premises licence holder or club holding club premises certificate (if known) Mr Emmanuel Boateng

Number of premises licence or club premises certificate (if known) 1536/4

Part 2 - Applicant details

I am

- | | Please <input checked="" type="checkbox"/> yes |
|---|--|
| 1. An interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) A person living in the vicinity of the premises | <input type="checkbox"/> |
| b) A body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) A person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) A body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2. a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3. a member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |



(A) DETAILS OF INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example
Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current address

Post Town Postcode

Daytime contact telephone number

Email address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

Email (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Hampshire County Council Trading Standards Service Montgomery House Monarch Way Winchester Hampshire SO22 5PW
Telephone number (if any) 01962 833658
Email (optional) stephen.lawford@hants.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 1)

Hampshire County Council Trading Standards Service wish to apply for a review for this premises under the licensing objectives :- The Prevention of Crime and Disorder and The Protection of Children from Harm.

Daily Foods were found to be selling non-duty paid tobacco on 8 June 2012.

Daily Foods were found to be selling 'very strong rum' alcohol with no duty stamps affixed to the bottles on 3 August 2012.

Daily Foods failed an alcohol test purchase and a tobacco test purchase on 22 August 2012. This was to a 16 year old male volunteer working with HCC Trading Standards Service.

Daily Foods were found to be in breach of conditions of their premise licence.

Please provide as much information as possible to support the application (please read guidance note 2)

Listed below are the details of test purchases, actions and visits made to the store by Trading Standards Officers (TSO's)

01/06/12 – Intelligence was received by Trading Standards that the store was selling illegal tobacco.

08/06/12 – TSO Lawford visited the store. The licence holder/DPS Mr Boateng voluntarily surrendered 500 non-duty paid Mayfair cigarettes which carried no fiscal mark, a criminal offence under the Tobacco Products Regulations 2001. The cigarettes also included incorrect health warnings, another criminal offence.

25/06/12 – A warning letter was sent to Mr Boateng - listed as Annexe A.

19/07/12 – Intelligence was received by Trading Standards that the store was selling tobacco with no fiscal mark.

23/07/12 – TSO Lawford visited the store. Only a female cashier was present (whom I now know to be Mr Boateng's sister, Carmen Boateng) No non-compliant tobacco was found.

03/08/12 - TSO Lawford visited the store with police licensing officer PC Bethan Wood, the same female seen on 23/07/12 was the only person present. She gave her name as Tina Linda Mensah. PC Wood spoke to Mr Boateng on the telephone. A number of licence conditions were not being complied with. The female did not know what 'challenge 21' was; she stated that she had not received any written training; she did not know what a refusals book was. TSO Lawford seized a bottle of Sunset very strong rum which did not carry a duty stamp, a criminal offence under the Alcoholic Liquor Duties Act 1979 as amended by the Duty Stamps Regulations 2006.

22/08/12 – The store failed a Trading Standards test purchase when Mr Boateng sold 4 cans of Fosters lager and a pouch of Cutters Choice tobacco to a 16 year old male volunteer. We then visited five other shops all of whom refused to sell alcohol to the volunteer. Statements of the officers involved are listed as Annexes B, C and D.

29/08/12 – TSO Lawford and PC Wood visited the store and dealt with the same female cashier seen previously who admitted that she was Carmen Boateng. She admitted to giving a false name on 03/08/12. A refusals book was shown and this was taken away to be photocopied. It included an entry in the false name given on 03/08/12. TSO Lawford and PC Wood returned to the store later that same evening. A short while after they arrived, licence holder Emmanuel Boateng arrived at the store wearing a Securitas uniform. Mr Boateng was unable to find the CCTV footage of the underage sales made on 22/08/12, indeed the oldest footage was from 18.06 hours on 22/08/12, 10 minutes after the illegal sales took place. This is a clear breach of the store's licence conditions. PC Wood then asked Mr Boateng to find a more recent refusal on CCTV, which he found but he was unable to burn the footage to CD.

This premises has been operating with a DPS who holds down a full time job with Securitas.

Mr Boateng who is both DPS and the licence holder has failed underage sales test purchases of alcohol and tobacco, both are criminal offences. Mr Boateng has also committed criminal offences of selling non-duty paid cigarettes and alcohol without duty stamps. He has also breached conditions of his premise licence.

Trading Standards believe this is entirely due to poor management and have no confidence in this business selling alcohol. Therefore Trading Standards say that the only option is for the premise licence to be revoked. Should the sub-committee feel that revocation is not proportionate, we would ask that the DPS be removed and the licence be suspended for three months.

Applying conditions to the licence would not be an effective nor proportionate action to take, as the business have shown an utter disregard for licence conditions by having been in breach of existing licence conditions.

May we also highlight paragraphs 11.24, 11.26 and 11.27 of the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003, with a particular emphasis on paragraphs 11.26 and 11.27.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.

11.27 It is envisaged that licensing authorities, the police 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. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

Annexe A – Warning letter to the store dated 25 June 2012.
Annexe B – Statement of TSO Lawford
Annexe C – Statement of TSO Worrall
Annexe D – Statement of TSO Marler

Annexe A

Mr E Boateng
Daily Foods
33 Rumbridge Street
Totton
Hampshire
SO40 9DQ

My reference C353358

Direct Line 01962 833658

Date 25 June 2012
E-mail steve.lawford@hants.gov.uk

Dear Mr Boateng

Licensing Act 2003 – Tobacco Products Regulations 2001

Further to my visit to the above premise on 8 June 2012, following voluntary surrender of 500 Mayfair cigarettes. The trade mark holder has confirmed it is an offence to offer these cigarettes for sale in the UK, as they were not marked 'UK Duty Paid' as required by the Tobacco Products Regulations 2001.

Any similar offence or a breach of your premise licence conditions in the future will result in a Review of your premise licence, which could lead to a suspension of your premise licence.

You must ensure that you have traceability for all goods offered for sale in your premise.

I am copying this letter to the Licensing authority and Hampshire Constabulary.

Do not hesitate to contact me if you wish to discuss this matter further.

Yours sincerely

Steve Lawford
Trading Standards Officer

Annexe B

TRADING STANDARDS SERVICE WITNESS STATEMENT

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

STATEMENT OF: STEPHEN GEORGE LAWFORD

This statement (consisting of two pages) 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.

I am a Trading Standards Officer (TSO) employed by Hampshire County Council at their office in Winchester and an authorised officer under the Licensing Act 2003. On 22 August 2012 along with two colleagues TSO Worrall and T/TSO Marler, I was involved in an alcohol test purchase operation. Helping us on this operation was [REDACTED] a 16 year old male volunteer. I had inspected his birth certificate at his home address on 24 November 2010, I now exhibit this as SGL/1. It showed he was born on [REDACTED] 1996. I completed a parental consent form with [REDACTED] mother an example I now exhibit as SGL/2. I collected [REDACTED] from his home and reminded him of the requirements of the operation and that he must tell the truth at all times and if questioned about his age must state 'I am 16'. He did not have any ID. I took 2 photos of [REDACTED] with a digital camera which I exhibit as SGL/3. I gave him ten pounds and witnessed him enter Daily Foods 33 Rumbridge Street Totton at approximately 17.53 hours. I waited outside the shop. I witnessed him leaving the shop at 17.55 carrying a bag containing 4 cans of Fosters lager and a 12.5 gram pouch of Cutters Choice tobacco. TSO Worrall took the alcohol and tobacco from [REDACTED]. I asked [REDACTED] who had sold him the alcohol and tobacco and he said a black male. I asked [REDACTED] if he was asked for ID and he said no. I asked [REDACTED] if he was asked what his age was and he said no. I asked [REDACTED] if any other questions were asked of him and he replied, "He asked me if I was local" and I replied, "No I'm visiting a mate who lives down the road." I returned to the store with T/TSO Marler at 17.56. I identified myself to the seller Mr Emmanuel Boateng and explained what had just happened. He replied, "I asked him if he was 18 he said yes" I said I'd spoken to [REDACTED] and he had told me what questions

were asked of him. I asked Mr Boateng if he asked [REDACTED] for ID and he admitted he did not ask. I looked around the shop and noted that there was a RASG Challenge 25 alcohol warning sign displayed in the window. I pointed to the sign and said to Mr Boateng, "The law says you should ask for ID if a customer looks under 25" He replied, "he said he was 18" I told Mr Boateng that [REDACTED] had not said he was 18, but the guide for test purchasing which Trading Standards followed does allow volunteers to lie about their age and that I would send him a copy of the guide if he requested a copy. Mr Boateng kept repeating that [REDACTED] had said he was 18. I asked Mr Boateng for his date of birth, he refused to give it. I asked him for his home address, he refused to give it. I left Mr Boateng with a written notice regarding the sale, a copy of which I produce here as exhibit SGL/4. I then left the store with T/TSO Marler. On 22 August 2012 I visited five other shops all of whom refused to sell alcohol to [REDACTED].

Annexe C

TRADING STANDARDS SERVICE WITNESS STATEMENT

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

STATEMENT OF: PAUL WORRALL

This statement (consisting of one page) 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.

I am Paul Worrall and I am employed by Hampshire County Council Trading Standards Service as a Trading Standards Officer and currently working from Montgomery House, Monarch Way, Winchester, Hampshire SO22 5PW. On Wednesday the 22nd August 2012, in the company of Trading Standards Officers Mr S Lawford and Miss N Marler conducting alcohol and tobacco test purchases in Totton, Hampshire. Hampshire County Councils policy for test purchasing is to use volunteers under the age of 17. At 1750 hours the same day, we attended Daily Foods, Rumbridge Street, Totton to conduct both an alcohol and tobacco test purchase. At 1753 hours the same day our volunteer entered the store and a very short time later emerged carrying 4 cans of Fosters beer and a pouch of Cutters Choice 12.5gms. My role was to witness the volunteer enter the store and on leaving to act as a chaperone and take any products which may have been sold to the volunteer. When the volunteer left the store he handed me both the alcohol and tobacco (PW/DF/1 and PW/DF/2 respectively) for safe keeping. I returned the volunteer to our vehicle and placed both items into a secure exhibit bag Serial number 11974.

Annexe D

TRADING STANDARDS SERVICE WITNESS STATEMENT

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

STATEMENT OF: NICOLA ANN MARLER

This statement (consisting of one page) 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.

I am a Trainee Trading Standards Officer (TSO) employed by Hampshire County Council at their offices in Winchester. On 22 August 2012 along with two colleagues, TSO Worrall and TSO Lawford, I was involved with an alcohol test purchase operation. Helping us on this operation was [REDACTED], a sixteen year old male volunteer. I witnessed [REDACTED] enter Daily Foods 31 Rumbridge Street Totton at approximately 17.53 hours. I waited in TSO Lawford's car. When TSO Worrall returned to the car he was carrying a bag containing 4 cans of Fosters lager and a 12.5 gram pouch of Cutters Choice tobacco. I entered the shop with TSO Lawford at 17.56 and identified myself to the seller of the alcohol and tobacco. He was identified as Mr Emmanuel Boateng. He refused to give his date of birth and his address. Mr Boateng claimed on numerous occasions that when [REDACTED] was asked his age, [REDACTED] said that he was 18.

Please tick ✓ yes

Have you made an application for review relating to these premises before?

Day Month

Year

If yes, please state the date of that application

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

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

No

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent.
 (please read guidance note 4) **If signing on behalf of the applicant, please state in what capacity.**

Signature.....

S. Lawford.....

Date.....
 18/10/12.....

Capacity.....
 Trading Standards Officer.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using email, your email address (optional)	

Notes for Guidance

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

DATA PROTECTION ACT 1998

The personal information you have provided, or which has been obtained from other sources, will only be used for the purpose of the licensing function, and for auditing, monitoring, statistical and other research.

The information will be retained by the council for a period not exceeding 7 years.

The information may be shared with other council departments and statutory bodies.

Licensing Act 2003

Application for (s.51) Review of a Premises Licence

An application has been received for the review of a Premises Licence **1536/1** for **Daily Foods, 33 Rumbridge Street, Totton, Southampton, SO40 9DQ** on the following grounds:

The Prevention of Crime and Disorder and
The Protection of Children from Harm

Any person wishing to make representations in relation to this application may do so by writing to: Licensing Services, New Forest District Council, Beaulieu Road, Appletree Court, Lyndhurst, Hampshire, SO43 7PA. Representation must be made within 28 days from the date of this notice.

A copy of the application for review is kept by Licensing Services, New Forest District Council, Beaulieu Road, Appletree Court, Lyndhurst, Hampshire, SO43 7PA. The application can be viewed Monday to Friday, 09.30hrs to 4.00hrs, except Bank Holidays.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine on the standard scale.

Dated: 18/10/2012

3))

Public Health and Community Safety
Head of Service: Annie Righton

Mr E B Boateng
42 Mulberry Road
Marchwood
Southampton
Hampshire
SO40 4WB

Our Ref: PW/LICPR/12/01121
Your Ref:

08 March 2012

Dear Mr Boateng

LICENSING ACT 2003 - Grant of Premises Licence (S17)
DAILY FOODS, 33 RUMBRIDGE STREET, TOTTON, SOUTHAMPTON, HAMPSHIRE, SO40 9DQ
Licence No: 1536/1

I am pleased to enclose a Premises Licence in respect of the application for the above premises. Please check the details on the licence carefully. The Licensing Authority is prepared to correct clerical errors for up to 28 days after the licence has been issued. Beyond that time, any change must be made on the appropriate application form. This does not affect your statutory rights of appeal.

It is a requirement of the Act that this licence, or a certified copy, is held securely at the premises and, at the request of an authorised person, to produce the licence (or a certified copy) for examination. Please ensure that you are able to comply.

Also enclosed is a Summary of the Premises Licence which must be displayed (or a certified copy) in a prominent position at the premises.

Failure to comply with either or both of these requirements is an offence which, on summary conviction, carries a penalty of a fine not exceeding level 2 on the standard scale.

Should you wish to make changes to the licence in the future this must be done by way of an appropriate application. The necessary forms are available on the Council website www.newforest.gov.uk.

Yours sincerely

Paul Weston

Licensing Officer
Licensing Services
Chief of Police

Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

c.c

Duty to Keep & Produce Licence – Premises
Licensing Act 2003

Section 57 – Duty to Keep and Produce Licence

- (1) This section applies whenever premises in respect of which a Premises Licence has effect are being used for one or more licensable activities authorised by the licence.
- (2) The holder of the Premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of –
 - (a) the holder of the licence, or
 - (b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purpose of this subsection.
- (3) The holder of the Premises licence must secure that –
 - (a) the summary of the licence or a certified copy of that summary, and
 - (b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2),are prominently displayed at the premises.
- (4) The holder of a Premises Licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).
- (5) A constable or an authorised person may require the person who, by virtue of arrangements made for the purposes of subsection (2), is required to have the Premises Licence (or a certified copy of it) in his custody or under his control to produce the licence (or such a copy) for examination.
- (6) An authorised person exercising the power conferred by subsection (5) must, if so requested, produce evidence of his authority to exercise the power.
- (7) A person commits an offence if he fails, without reasonable excuse, to produce a Premises Licence or certified copy of a Premises licence in accordance with a requirement under subsection (5).
- (8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (9) In subsection (3) the reference to the summary of the licence is a reference to the summary issued under Section 23 or, where one or more summaries have subsequently been issued under Section 56, the most recent summary to have been so issued.
- (10) Section 58 makes provision about certified copies of documents for the purposes of this section.

Licensing Act 2003

Premises Licence

Issued under Section 24 of the above Act

Premises Licence Number 1536/1

Part 1 - Premises Details

Postal address of premises, or if none, ordinance survey map reference or description	
Daily Foods 33 Rumbridge Street Totton Southampton Hampshire SO40 9DQ	Map Ref (E): 436200.440044595 Map Ref (N): 112989.225046979 UPRN: 100062529184
Telephone Number: 02381 786431	

Where the licence is time limited the dates:
This licence is NOT time limited

Licensable activities authorised by the licence
M) Supply of Alcohol

The times the licence authorises the carrying out of licensable activities			
M - Sale or Supply of Alcohol			
Day	Start	Finish	
Mon	09:00	23:00	Seasonal variations: Christmas Eve - 09:00hrs to 00:01hrs Boxing Day - 09:00hrs to 00:01hrs New Years Eve - 09:00hrs to 00:01hrs Non standard timings:
Tues	09:00	23:00	
Wed	09:00	23:00	
Thur	09:00	23:00	
Fri	09:00	23:00	
Sat	09:00	23:00	
Sun	09:00	23:00	

The opening hours of the premises

- Opening Hours			
Day	Start	Finish	
Mon	09:00	23:00	Christmas Eve - 09:00hrs to 00:01hrs Boxing Day - 09:00hrs to 00:01hrs New Years Eve - 09:00hrs to 00:01hrs
Tues	09:00	23:00	
Wed	09:00	23:00	
Thur	09:00	23:00	
Fri	09:00	23:00	
Sat	09:00	23:00	
Sun	09:00	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 only

Part 2

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

Emmanuel Boakye Boateng
 42 Mulberry Road
 Marchwood
 Southampton
 Hampshire
 SO40 4WB

Telephone:

Email:

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

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

Emmanuel Boakye Boateng
 42 Mulberry Road
 Marchwood
 Southampton
 Hampshire
 SO40 4WB

Telephone:

Email:

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

1887/1
 New Forest District Council

The licence is granted by New Forest District Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

License issued: 08/03/2012

Date licence commences: 08/03/2012

Date first licence came into force: 08/03/2012

S. E. Righton

Head of Public Health & Community Safety
(Authorised Officer)

Annex 1 - Mandatory conditions

(Additional Condition with effect from 1 October 2010)

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Where licence authorises supply of alcohol:

- (1) No supply of alcohol may 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 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.

Where licence authorises door supervision:

- (1) Each individual at the premises to carry out a security activity must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires this condition to be imposed:
- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section:
- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies,

and

- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the operating schedule

a) General - all four licensing objectives (b, c, d, e)

N/A

b) The prevention of crime and disorder

Nothing beyond the existing Health and Safety/Fire Safety requirements.

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 should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

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

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

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

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

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

In the event of technical failure of the CCTV equipment the Premises Licence Holder/DPS MUST report the failure to the Southampton Police Licensing Unit.

c) Public safety

N/A

d) The prevention of public nuisance

N/A

e) The protection of children from harm

A written log shall be kept of all refusals including refusals to sell alcohol. The holder of the premises licence shall ensure that the refusals log is properly maintained and this shall involve, but is not limited to,

...minating in writing a responsible person to check and sign it on a weekly basis.

The holder of the premises licence shall ensure that every individual who appears to be under 21 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the licensing authority - passport, photo driving licence or PASS accredited photo ID - proving that individual to be 18 years of age or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

All staff shall be trained to challenge every individual who appears to be under 21 years of age and to refuse service where individuals cannot produce acceptable means of identification. Such training shall be provided by not less than every three months and written records shall be kept of all training and refresher training.

'Challenge 21' posters shall be displayed in prominent positions at the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority
N/A

Annex 4 - Plans
This licence permits the licensable activities stated at the premises addressed above in accordance with the plan(s) attached.

Plan of Premises	
Plan/Drawing No:	
Date of Plan:	08/02/2012

((n))

(12)

Licensing Act 2003

Premises Licence Summary

Issued under Section 24 of the above Act

Premises Licence Number 1536/1

Part 1 - Premises Details

Postal address of premises, or if none, ordinance survey map reference or description	
Daily Foods 33 Rumbridge Street Totton Southampton Hampshire SO40 9DQ	Map Ref (E): 436200.440044595 Map Ref (N): 112989.225046979 UPRN: 100062529184
Telephone Number: 02381 786431	

Where the licence is time limited the dates

This licence is NOT time limited

Licensable activities authorised by the licence

M) Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

M - Sale or Supply of Alcohol		
Day	Start	Finish
Mon	09:00	23:00
Tues	09:00	23:00
Wed	09:00	23:00
Thur	09:00	23:00
Fri	09:00	23:00
Sat	09:00	23:00
Sun	09:00	23:00

Seasonal variations:
Christmas Eve - 09:00hrs to 00:01hrs
Boxing Day - 09:00hrs to 00:01hrs
New Years Eve - 09:00hrs to 00:01hrs

Non standard timings:

The opening hours of the premises

Opening Hours			
Day	Start	Finish	
Mon	09:00	23:00	Christmas Eve - 09:00hrs to 00:01hrs Boxing Day - 09:00hrs to 00:01hrs New Years Eve - 09:00hrs to 00:01hrs
Tues	09:00	23:00	
Wed	09:00	23:00	
Thur	09:00	23:00	
Fri	09:00	23:00	
Sat	09:00	23:00	
Sun	09:00	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 only

Name, (registered) address of holder of premises licence
Emmanuel Boakye Boateng
42 Mulberry Road
Marchwood
Southampton
Hampshire
SO40 4WB

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

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol
Emmanuel Boakye Boateng

State whether access to the premises by children is restricted or prohibited
Not Restricted



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

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

I PC 24191 Bethan Wood, on behalf of the Chief Officer of Hampshire Constabulary, (Insert name of applicant)

Apply for the review of a premises licence.

Apply for the review of a club premises certificate.

(Select as applicable)

Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Table with 2 columns: Postal address of premises, Postcode (if known). Content: Daily Foods, 33 Rumbridge Street, Totton, Southampton, SO40 9DQ

Name of premises licence holder or club holding club premises certificate (if known) Emmanuel Boateng

Number of premises licence or club premises certificate (if known) 1536/1

Details of responsible authority applicant

Form with fields for title (Mr/Mrs/Miss/Ms/Other), surname (Wood), first names (Bethan), current postal address (Southampton Central Police Station), postcode (SO15 1AN), daytime telephone number (02380 674768), and optional e-mail address (bethan.wood@hampshire.pnn.police.uk)

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



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

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

Select one or more boxes

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

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

On behalf of the Chief Officer of Police I am writing to support a review made by Trading Standards of the above Premises Licence. The review is supported on the following grounds:

- 1) The prevention of crime & disorder
2) Public safety
3) The protection of children from harm

The police support the application made by trading standards to revoke the above premises licence based on numerous breaches of the premises licence, the sale of non UK duty paid alcohol and cigarettes, and a sale of alcohol made, by the Designated Premises Supervisor Mr Emmanuel Boateng, to a person aged under 18.

In February 2012 Mr Emmanuel Boateng applied for a premises licence for a business to be known as 'Daily Foods', 33 Rumbridge Street, Totton. Discussions were had between Police Licensing Officer George Fice and Mr Boateng regarding conditions to be added to the licence on issue that would assist him in demonstrating support of the licensing objectives (Item 1). It was made clear at this point that the conditions would need to be adhered to and that failure to do so would likely result in prosecution. This licence was issued in March 2012 containing a set of basic conditions (Item 2).

Less than 3 months later Trading Standards received information that the premises was selling illegal tobacco. On attending the premises Trading Standards have located 500 non-duty paid cigarettes, the packaging for which also included incorrect health warnings. Hampshire Constabulary believe that this undermines not just the licensing objective of Prevention of Crime & Disorder, but also Public Safety.

On 3rd August 2012 PC Bethan Wood and Trading Standards Officer (TSO) Steve Lawford attended the premises to conduct a full licensing visit. On this occasion they met with a female shop assistant who introduced herself as Linda Tina Mensah. Ms Mensah was unable to contact Mr Boateng to attend the premises and the visit proceeded in his absence. Numerous breaches of the premises licence were identified during the visit, as identified in the statement of PC Wood (Item 3). In addition to this, suspicions were raised that Mr



**Application for the review of / Representation in respect of a
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Boateng was engaged in employment away from the premises despite assurances from Ms Mensah that he was collecting stock for the premises.

The breaches, in the order that they appear on the premises licence were as follows:

1. CCTV

There was just one camera in operation at the premises covering only the till area. This footage viewable immediately on the screen was of poor quality. Ms Mensah confirmed that she had received no training in how to use the system and was unable to retrieve footage to play for us. The time shown on the display was nearly an hour slow, there were no records of weekly checks being made of the system, and Hampshire Constabulary had never been notified of any failings of the CCTV system that might have lead to these breaches occurring.

2. Refusals Log

Despite being the only member of staff present, Ms Mensah was unaware of a refusals log in use at the premises (Item 7).

3. Challenge 21

Ms Mensah had no knowledge of Challenge 21.

4. Staff Training

Ms Mensah advised that she was not a personal licence holder and had received no training in relation to her work at the premises.

Hampshire Constabulary believe that failure to adhere to these conditions undermines the licensing objectives. Primarily the DPS Mr Boateng, was aware that should he not comply with these then he would be in breach of his premises licence, thus demonstrating lack of support for the prevention of crime and disorder (Item 1). The lack of training provided to Ms Mensah in relation to Challenge 21 undermines the licensing objective of protection of children from harm as she has not been equipped with the required knowledge to safeguard against underage sales. Whilst at this point in time the breaches of the licence had not had an impact on any investigations, nor had there been any incidents at the premises, the aim of having conditions on the licence from the outset is a safeguarding measure, to ensure that the licensing objectives are never undermined (as far as is possible), rather than having to react when they are. In addition to this, on the 3rd August a bottle of non-duty paid alcohol 'Very Strong Rum' at 84.5% ABV was also discovered at the premises and was seized by TSO Lawford.

A meeting was held with Mr Boateng on 7th August to discuss the identified concerns (Item 4). The areas of concern were put in writing to Mr Boateng in order that he could address these (Item 5). Following this meeting, on 9th August 2012 PC Wood received a CD of CCTV from the premises (Item 6). This footage demonstrates how, at 1208hrs a male enters the store and stands at the till, making a purchase. At no point is any CCTV available that shows this male from his chest upwards. The CCTV could not be used for identification purposes.



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On 22nd August 2012 Trading Standards conducted a test purchase operation during which Mr Boateng sold alcohol and tobacco to a 16 year old male. Mr Boateng was unwilling to provide TSO Lawford with his details and thus Hampshire Constabulary assisted with prosecution in relation to the offences, jointly visiting the premises in relation to the matter on 29th August 2012 (Item 8). When the DPS arrived at 1910hrs he was wearing a Securitas shirt. Although he advised at the time that he worked a few hours each day in Basingstoke doing administrative type work, it has subsequently been confirmed by Securitas that Mr Boateng is employed full time in Basingstoke (Item 9). Hampshire Constabulary raise concern that Mr Boateng is not in proper control of the premises, and further, that he and his staff have lied to try and mask this fact. PC Wood requested that Mr Boateng provide her with a copy of the CCTV for the test purchase failure, as per the condition of the premises licence. Although there had been a new CCTV system installed on 16th August, Mr Boateng was unable to provide footage of the test purchase failure. Frustratingly, footage was only held up until 1806hrs on the date of the test purchase operation, missing the failure and subsequent conversation of TSO Lawford by a matter of minutes. When Mr Boateng was asked to provide details of the weekly checks he had done of the CCTV system, again a condition of the licence, the records that were produced showed three checks being made, all of the old system – once on the 5th August, once in July and once in April. The licence conditions were being breached and in doing so the licensing objectives of prevention of crime and disorder, and protection of children from harm were being undermined.

In addition to these matters arising from the visit on 29th August it also became apparent that the female shop assistant, introduced to PC Wood as Linda Tina Mensah, was in fact Carmen Boateng, sister of the Designated Premises Supervisor. Ms Boateng admitted to having provided the false details, and to having signed the refusals log in this name. Ms Boateng also confirmed that she still could not operate the CCTV and had done just verbal training regarding Challenge 21. With the discovery that Mr Boateng is working full time in Basingstoke, this is particularly concerning as Ms Boateng was working on her own at the premises on a daily basis, with Mr Boateng a considerable distance away. Mr Boateng was again unable to produce any training records, but assured PC Wood that they were at his home address.

PC Wood attended the premises the following day and collected 4 documents – the invoice of 31/05/12 from Kelly's Shipping, an A4 sheet of 'Training Records', additional CCTV 'Training Logs', and a 4 weekly review of procedures sheet (Items 10-13). The training records are inadequate and do not demonstrate three monthly training as is required by the premises licence conditions. It is not clear who has completed the training, or what it consisted of. Although 'Challenge 25' is listed as the title there is no indication of exactly what the 30 minutes of training consisted of, and once again, at the bottom of this page, despite having collected the document on the 30th August, training is recorded as having commenced at 0920hrs on 8th October. The CCTV Training Log is actually documenting system checks. These are recorded for 20th July – 28th August. There is no record of the new system being installed on the 16th August, no identification of the fact that the initial CCTV system did not cover the public area of the premises at all, and no record of the 'intermittent loss of footage' that it was explained was the reason for the footage of the Test Purchase Operation being unavailable. Hampshire Constabulary raise concerns that Mr



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

Boateng does not understand the necessity and importance of accurate, honest, record keeping and that in failing to keep records of staff training he is undermining the licensing objectives of prevention of crime and disorder, public safety, and protection of children from harm.

When interviewed on 5th September in relation to the test purchase failure Mr Boateng claimed to remember that there had been 5 sales of alcohol on the night of the test purchase failure, all of those customers looked to be over 25, but that he could not remember the sale immediately prior to TSO Lawford entering the premises and advising him of the test purchase failure. Mr Boateng did advise that he was the only member of staff working in the premises at the time of the failure. A full transcript of the interview is available (Item 14). Mr Boateng was reported for the offences of selling both alcohol and tobacco to someone aged under 18, and for being in breach of his licence conditions. A police prosecution is ongoing in relation to these matters, and it has been requested that the courts give consideration as to whether forfeiture of Mr Boateng's personal licence would be in the public interest. Hampshire Constabulary believe that this would be the most satisfactory outcome.

Although there have been no incidents specifically linked to Daily Foods with the exception of the test purchase failure, the need to support the licensing objectives and adhere to conditions of a licence does not alter. There have been numerous breaches of the premises licence conditions, and as a result, any sale of alcohol made whilst the breaches were occurring will have been unauthorised. In addition to this the Designated Premises Supervisor Mr Emmanuel Boateng has consistently acted in a manner that causes police to doubt his integrity and understanding of his responsibilities as both a personal licence holder and designated premises supervisor. The licensing objectives have been undermined, specifically the protection of children from harm and prevention of crime and disorder. Notwithstanding the guidance of the secretary of state in relation to non-duty paid goods, it is also noted that the statement of licensing policy for New Forest District Council clearly states under paragraph 16.3 that "In cases when the crime prevention objective is being undermined it is expected that revocation of the licence – even in the first instance – will be seriously considered". Therefore, the police fully support the application made by Trading Standards and would concur that with the evidence set out, this should be with a view to revocation.

Have you made an application for review relating to these premises before: Yes | No

If yes please state the date of that application: / / Day Month Year

If you have made representations before relating to this premises please state what they were

Please tick



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

- 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 have sent a copy of this representation to the principal licensing officer of Council

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application

Signature of Officer Completing

Name	<u>PC Bethan Wood</u>	Collar Number:	<u>24191</u>
Signature:	Date:	<u>05/11/12</u>

Signature of Authorising Officer (Inspector or above)

Name	<u>Inspector McGonigle</u>	Collar Number:	<u>1399</u>
Signature:	Date:	<u>05/11/12</u>

CCTV CORRESPONDENCE LOG
For Licensing Team Use Only

Number Of Log Entries: 15

Organisation/Business Name: ???

< CLICK HERE TO ADD A NEW VISIT LOG >

Log Entry No: 6

From: 6 OCU Licensing Mailbox
Sent: 06 March 2012 13:55
To: 'Emmanuel Boateng'; 'licensing@nfdc.gov.uk'
Subject: FW: Daily Foods, 33 Rumbridge Street

Dear Licensing

Hampshire Constabulary have no objection to the granting of a premises licence at Daily Foods, 33 Rumbridge Street, Totton. Please include the agreed conditions with the application which are outlined below:

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 should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

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

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

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

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

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

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Southampton Police Licensing Unit.

Georgie Fice
Western Licensing Team

Hampshire Constabulary
External: 023 8067 0902 Internal: 734 -172
Email: western.licensing@hampshire.pnn.police.uk
website: www.hampshire.police.uk

From: Emmanuel Boateng
Sent: 06 March 2012 13:43
To: 6 OCU Licensing Mailbox
Subject: Re: Daily Foods, 33 Rumbridge Street

Hi georgie I am happy for the CCTV conditions to be added to my licence
Thanks
Emmanuel Boateng

Log User ID: - 13085

Date/Time: - 06/03/2012 13:56:00

Phone call rec'd from Mr Emmanuel Boateng. Mr Boateng informed me that they have CCTV at the premises and they are complying to the majority of the conditions proposed. He has concerns with point 7 as he does not employ any staff at this moment. I discussed this with Mr Boateng and informed him that as long as there was someone available to produce images when requested it does not matter if he does not employ anyone else. I informed Mr Boateng that if he goes on holiday for 2 weeks then there should be some one available who can work and burn of images from the CCTV system. Mr Boateng informed me that there would be and he is happy to accept the CCTV condition and will respond to my last email.

Log User ID: - 13085

Date/Time: - 06/03/2012 13:52:31

From: 6 OCU Licensing Mailbox
Sent: 06 March 2012 08:48
To: 'Emmanuel Boateng'
Cc: 'licensing@nfdc.gov.uk'
Subject: RE: Daily Foods, 33 Rumbridge Street

Dear Mr Boateng

The police request that the conditions are added to the premises licence when issued, to do this we must have your agreement as the premises licence holder to add and abide by them.

When you utilise the licence all the conditions added must be complied with to make the licence valid, if you do not you may be liable to prosecution for unlicensable activities (sale of alcohol).

If you would like to discuss the proposed CCTV condition further then please call me on 023 8067 0902.

The consultation period for this application expires on Wednesday 7 March and I will have to respond to the council by this time.

Yours sincerely

Georgie Fice
Western Licensing Team
Hampshire Constabulary
External: 023 8067 0902 Internal: 734 -172
Email: western.licensing@hampshire.pnn.police.uk
website: www.hampshire.police.uk

From: Emmanuel Boateng
Sent: 05 March 2012 18:02
To: 6 OCU Licensing Mailbox
Subject: Re: Daily Foods, 33 Rumbridge Street

thank you for your email. we will keep this email on file and we will work on putting your proposed additional licensing objectives into place

Thanks
Emmanuel Boateng
Proposed DPS for Daily Foods

Log User ID: - 13085

Date/Time: - 06/03/2012 08:51:07

From: 6 OCU Licensing Mailbox
Sent: 05 March 2012 16:52
To: Emmanuel Boateng
Cc: 'licensing@nfdc.gov.uk'
Subject: Daily Foods, 33 Rumbridge Street
Importance: High

Dear Mr Boateng

Hampshire Constabulary are now in receipt of the premises licence application for Daily Foods, 33 Rumbridge Street, Totton. I have taken a look at the premises licence application and request that the below condition in relation to CCTV is added to the new premises licence when issues to promote the licensing objectives, especially the prevention of crime and disorder.

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 should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

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

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

Records must be made on a weekly basis and kept for inspection to show that the

system is functioning correctly and that data is being securely retained.

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

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

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Southampton Police Licensing Unit.

Please respond via return email, or if you wish to discuss this further then please do not hesitate to contact me.

Yours sincerely

Georgie Fice
Western Licensing Team
Hampshire Constabulary

Log User ID: - 13085

Date/Time: - 05/03/2012 16:52:17

01/03/12 Application for a premises licence emailed to the police by NFDC on 01/03/12, original application sent to NDFC on 08/02/12. Supply of alcohol 0900hrs - 2300hrs each day.

Log User ID: - 13085

Date/Time: - 05/03/2012 16:47:17

WITNESS STATEMENT

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

Statement of: PC 24191 Bethan Wood URN
Age if under 18: O18 (If over 18 insert 'over 18') Occupation: Police Constable

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

Signature: (witness) Date: 3rd August 2012

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

I am PC 24191 Bethan Wood of Hampshire Constabulary currently stationed with the Licensing Team at Southampton Central Police Station. I am making this statement in relation to a visit conducted at Daily Foods, Rumbridge Street, Totton on 3rd August 2012.

On 3rd August 2012 I was on duty in full uniform in company with Steve Lawford, a Trading Standards Officer for Hampshire County Council, performing licensing visits in Totton town centre.

At 1120hrs we attended Daily Foods, Rumbridge Street. There was a single female member of staff present at the premises, who identified herself to me as Linda Tina MENSAH. I advised Linda that we were there to conduct a check of the licence conditions. Linda attempted to contact the Designated Premises Supervisor, Emmanuel BOATENG, by phone and advised that he would be calling back. In his absence I continued with the visit. Throughout the visit various breaches of the conditions were identified.

Firstly, Linda could not confirm that she had signed to say that she was authorised to sell alcohol on behalf of the DPS. She did however confirm that she is not a personal licence holder and has received no training in relation to her role at the premises, which is in breach of the premises licence.

Linda showed me through to a room behind the main shop, where a television was placed on the floor amongst boxes of stock, which appeared to show footage from a CCTV camera just behind the till. The footage showing on the screen appeared of poor quality, blinking, and of a low resolution. Linda was unable to operate the system and I was therefore unable to see whether the recorded footage was of better quality, or how long the system did retain the footage for. However, I noted that at 1128hrs the time shown on the 'live' screen was 1037hrs. The date was correct.

Signature: .. Signature witnessed by: ..

Linda advised that there was just the one camera at the premises which covered just the till. I looked outside the premises and could see no camera to cover the outside area or the entrance/exit doors.

At this point I asked Linda to confirm whether the DPS was due to return. She advised that he had only gone to collect some stock so should be back, but tried to call him again to check. I was eventually passed a mobile phone to speak directly to the DPS. Mr BOATENG apologised for not being able to come to the store as he was at work. I expressed surprise that he was at work, but not at the premises to which Mr BOATENG replied "OH, ARE WE NOT ALLOWED TO HAVE OTHER JOBS?"

Conscious that this was not really the point at this moment in time I explained briefly that there was nothing wrong with having another job but that he is the person responsible for the premises, and that I had identified several breaches of the licence and would appreciate his attendance in order to be able to address these, potentially demonstrating that in fact they were not breaches.

Mr BOATENG initially said that he would come back at about 1700hrs, to which I advised I would not be able to attend as I was currently at the premises and as well as having other places to visit, would be off duty at 1700hrs. I asked if he might be able to attend at 1300hrs. After much debate Mr BOATENG advised that he could not guarantee to be back for 1300hrs. This being the case I advised him that my trading standards colleague would be seizing two bottles of spirits and that I would contact him on Monday morning to arrange a meeting to discuss the breaches.

A short while later Mr BOATENG called Linda back on her mobile, which she passed to me. Mr BOATENG wanted to confirm whether I was going to return later. I again advised him that if he could guarantee that he would be back at 1300hrs then I would return then to meet him. Mr BOATENG once again stated that he couldn't, but this time advised that he was doing a 'stock run' and just didn't know what time he would be back. I challenged him that he had previously told me he was at work. The phone line went quiet for a few moments and I had to confirm that Mr BOATENG was still on the other end. He was advised that I would contact him on Monday morning to arrange a meeting.

The Trading Standards Officer and I continued with our check of the licence conditions. Further to the breaches already identified I was also unable to view any records of the CCTV system being checked on a weekly basis, and Linda confirmed that she could not download the footage of our visit. Linda was asked what Challenge policy was run at the premises. She looked at my colleague and I blankly and asked us to explain again. My colleague asked Linda whether she knew what Challenge 21 was. Linda confirmed that she did not. On further explanation Linda did demonstrate that she knew that the legal age for sale of alcohol and cigarettes was 18 years old. Linda was unable to find the refusals log, and despite both my colleague and I also looking behind the counter it could not be located. Finally, there was just one Challenge 25 poster displayed at the premises, in the front window.

Signature Signature witnessed by:

I am aware that during the visit my Trading Standards colleague seized two bottles of spirits. A bottle of 'Very Strong White Rum', 84.5%abv, which did not have a UK duty stamp, and a bottle of High Commissioner Scotch Whiskey on suspicion of being counterfeit on account of an anomaly in the labelling. It was also observed that not all the spirits on display were priced either on the bottle, or directly beneath the bottle on the shelving.

Our visit was concluded at about 1220hrs.

Signature:

Signature witnessed by:

Not Disclosable

Witness contact details

Home Address:

Home Telephone No:

Work Telephone No:

Mobile / Pager No:

Email address:

Preferred means of contact *(specify details):*

Best time of contact *(specify details):*

Gender:

Date and Place of Birth:

Former name:

Ethnicity
Code:

Religion /
Belief:

DATES OF WITNESS NON-AVAILABILITY:

Witness Care

- a) Is the witness willing and likely to attend court?
If 'No', include reason(s) on form MG6. Yes No
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or
intimidated witness? If 'Yes' submit MG2 with file. Yes No
- d) Does the witness have any particular needs?
If 'Yes' what are they? *(Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)* Yes No

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to the police - what happens
next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter
(obtained in accordance with local practice): Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the
defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if
applicable e.g. child care proceedings, CICA: Yes No N/A

Signature of witness:

PRINT NAME

Signature of parent/guardian/
appropriate adult:

PRINT NAME

Address and telephone
number if different from above:

Statement taken by:

Station:

Time and place statement
taken:

WITNESS STATEMENT

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

URN

Statement of: Constable 24191 B WOOD

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

Occupation: Police Officer

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.

Signature: (witness) Date: 24/09/2012

I am PC 24191 Bethan Wood of Hampshire Constabulary currently posted with the Violent Crime Reduction and Licensing Team at Southampton Central Police Station.

I am making this statement in relation to my involvement at a licensed premises – Daily Foods, Rumbridge Street, Totton.

I visited the premises on 7th August 2012. Throughout the visit numerous breaches of the premises licence were identified. At 1500hrs I observed a sale of alcohol being made and as a result I reported Mr BOATENG for conducting licensable activities whilst in breach of his premises licence. I produce the letter written following this visit as evidence bearing exhibit reference BW/EB/01.

A further visit was conducted on 21st August 2012 and the report relating to this visit is produced as evidence bearing exhibit reference BW/DF/01.

I also visited on 28th August 2012. The report for this visit is produced as evidence bearing exhibit reference BW/DF/02.

A fourth visit was conducted on 29th August. The report relating to this visit is produced as evidence bearing exhibit reference BW/DF/03.

I contemporaneously interviewed Mr Emmanuel BOATENG on 5th September between 1335hrs and 1410hrs. I produce the record of this interview as evidence bearing exhibit reference BW/EB/IV1. At the conclusion of this interview Mr BOATENG was reported for the offences of making sales of alcohol and tobacco to a person aged under 18 and for being in breach of his premises licence.

Signature: Signature witnessed by:

HO



Bus/CR/CI (S)

Hampshire Constabulary
Chief Constable Alex Marshall

Emmanuel BOATENG
42 Mulberry Road
Marchwood
Southampton
SO40 4WB

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

Our ref: 44120090622
Your ref:

Telephone: 0845 045 45 45
Direct dial: 023 8067 4768
Fax No: 0845660037
Deaf/speech impaired minicom: 01962 875000
Email: southampton.licensing@hampshire.pnn.police.uk

8th August 2012

Dear Mr Boateng,

This letter is in reference to our licence meeting on the 7th August 2012 at Daily Foods, Rumbridge Street, Totton. It became clear during the meeting that you are breaching your licence conditions and as a result, after observing a sale of alcohol made by yourself, you were reported for the offence of conducting licensable activities whilst in breach of your premises licence. I have documented these breaches on the attached sheet.

As you are aware Hampshire Constabulary are committed to working with the licensees in supporting the four licensing objectives i.e. –

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

Please ensure that you are familiar with the requirements of your premises licence and that you provide a copy of CCTV from the premises on either disc or VHS to Totton Police Station by Thursday 9th August.

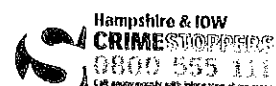
I must advise you that following your involvement with Hampshire County Council Trading Standards in June, these subsequent breaches of your premises licence are likely to lead to your premises licence being reviewed.

Yours sincerely,

PC 24191 WOOD
Violent Crime Reduction & Licensing Team
Southampton Central Police Station

www.hampshire.police.uk

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Hampshire Constabulary
Chief Constable Alex Marshall

Meeting at Daily Foods 08/08/12

CCTV

"The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit."

You have one working camera in the premises that covers the small till area. It does not cover all public areas or the entrance/exit. There are no cameras installed externally. There is one 'temporary' type camera above a drinks refrigeration unit directly opposite the front door. It is hanging down in front of the unit and looks worn and dated. When I asked you on the phone on Friday 3rd August whether this was working you advised that you had noticed that morning that it was not functioning. During our meeting in person on Tuesday 7th August you advised that it had been damaged during a burglary last year. The reported burglary occurred in the middle of January well before you were issued with a premises licence. At that time no CCTV was recovered from your premises in support of the police investigation into the burglary.

"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."

When I attended on Friday 3rd August at 1128hrs the CCTV system was showing a time of 10:37hrs. On my visit today this has been addressed. You advised that this must have been from when the clocks changed in March, indicating that this had been inaccurate for quite some time.

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

I firstly requested to view footage from 10th July at 1600hrs. You were unable to show me this. I then asked to see footage of my visit on the 3rd August (only 4 days previously) and you were unable to show me this. You demonstrated that the earliest footage held on the system, at 1510hrs on Tuesday 7th August was from 2031hrs on Friday 3rd August. This is in clear breach of the above licence condition. As you were unable to download any footage I have been unable to check the frame rate.

"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."

You were unable to show me any such records and it is clear that the system is not functioning correctly or retaining footage for the required period of time.

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

On attending on Friday 3rd August the member of staff present could not operate the system and advised that she had received no training in this, it was something that only the manager dealt with. This is in breach of the licence. You confirmed this and said that you are the only person who uses



Hampshire Constabulary Chief Constable Alex Marshall

the system. You were unable to download footage for me. You advised that the system only downloaded to USB/Memory Stick. You queried why it had to be onto CD/DVD/VHS. Not only is this clearly stipulated within your licence but it is in order that it can be used by police when investigating crime and thus supporting the licensing objective of prevention of crime and disorder.

"In the event of technical failure of the CCTV equipment the Premises Licence Holder/DPS MUST report the failure to the Southampton Police Licensing Unit."

There is no record of you ever having contacted us to advise that the CCTV had either been damaged or simply wasn't working as you had expected.

REFUSALS LOG

"A written log shall be kept of all refusals including refusals to sell alcohol. The holder of the premises licence shall ensure that the refusals log is properly maintained and this shall involve, but is not limited to, nominating in writing a responsible person to check and sign it on a weekly basis."

The member of staff present on Friday 3rd August was unable to locate a refusals log. Today you showed me two separate refusals logs. The first was for the dates 19th December 2011 – 12th July 2012. This book contained 4 refusals for cigarettes for the period 19th December – 4th March (the period prior to becoming licensed), and 4 refusals thereafter, 3 of which were for alcohol (27th May, 29th May, 12th July). This book had been signed off by yourself just once, on the 19th January 2012. No other member of staff had signed the book either. There was no indication as to why you had stopped using the book and started the second one, leaving several empty pages. The second book dates from 19th July 2012 – 7th August 2012. There are 8 refusals recorded in this book, 4 for tobacco related items, and 4 for alcohol. 5 of the 8 refusals made since my visit on Friday 3rd August and two were made by the member of staff – Linda MENSAH who, you advised earlier in the visit when discussing training, didn't really work for you, she just covered for you very infrequently. This book had been signed twice, on the 6th and 7th August. Firstly, the book is not being checked and signed on a weekly basis. I would also suggest that to have recorded just 4 refusals of sale for alcohol from March to August, then since my visit only 4 days ago have recorded another 3, demonstrates that the book is perhaps not being used diligently.

STAFF TRAINING

"All staff shall be trained to challenge every individual who appears to be under 21 years of age and to refuse service where individuals cannot produce acceptable means of identification. Such training shall be provided not less than every three months and written records shall be kept of all training and refresher training."

Linda MENSAH confirmed on Friday 3rd August that she had had no training and did not know what Challenge 21 was. When I asked to see your training records you asked for clarification of what I needed to see. I explained that I would look at all your training records but that specifically I wanted to see training in relation to Challenge 21. You initially told me that you did a lot of verbal training with staff in relation to this and then went on to say that you did have records of this



Hampshire Constabulary
Chief Constable Alex Marshall

training but that they weren't in the file with all your other documentation and must have picked them up and taken them home by accident. I offered to accompany you to your home address to look at them in order that you could demonstrate that they did exist, you declined. I asked you about Linda's training as she had told me that she hadn't had any. At this point you told me that she didn't really work for you and was only covering for a very short period. You confirmed that she had not had any training.

CHALLENGE 21

"Challenge 21 posters shall be displayed in prominent positions at the premises."

You had one paper Challenge 25 poster outside the premises. There were no posters anywhere near the till area or that could be seen whilst purchasing alcohol. Challenge 25 is a good policy and does afford you greater protection than Challenge 21. However, it was clear that you had simply displayed the poster and weren't actually operating Challenge 25. In fact, you verbally advised that you had trained your wife in Challenge 21, albeit records of this could not be provided.



REFUSALS REGISTE

Date	Product	Time	Name of Person or Description	Observations	Staff Member
Example: 01/06/10	Cigarettes	7.10pm	Male 14 years? Blonde, 5ft 11"	Nervous and refusing to show ID	Allan Smith
1 20/7/12	Winston blue	6.15pm	16 years black boy	Didn't have ID	Sheila Boateng
2 23/7/12	Fosters	14.20	Looked around 17 years Lady	Didn't have ID	Sheila Boateng
3 27/7/12	Cutlers choice	13.05	15 years	Did n't have ID	Tivahinda
4 3/8/12	Becks	18.32	Around 17yrs Guy	Didn't have ID; looked nervous	Sheila Boateng
5 3/8/12	Drinks	15.11	6 girls 1 boy All underage	Didn't have ID	Tivahinda
6 4/8/12	JSP Cigarette	15.16	Young lady with 2 kids	Didn't have ID looked nervous when asked abt age	Sheila Boateng
7 4/8/12	Fosters	19.17	Young guy around 17 years	Didn't have ID	Sheila Boateng
8 10/8/12	Amber leaf	14:00	Young Guy / Brunette	As ID	E BOATENG

Substantia. n

FS



REFUSALS REGISTER

Date	Product	Time	Name of Person or Description	Observations	Staff Member
11/8/12	11 liters Sutan	11:15	Same Blue	DONT HAVE ID	E. Boateng
11/8/12	Vodka Glens	17:38	Emma	NO ID	E. Boateng
14/8/12	MAYFAIR	12:15	—	Young Blonde Male	E Boateng
17/8/12	FROST SAEE	21:30	—	Black Hair girl	F. Boateng
21/8/12	Royals	4:35	Looks under 18	No ID	C BOATENG
22/8/12	Coffers Cleice	11:45 AM	Dont know Id.	Talk white Boy	C BOATENG

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MANAGER'S SIGNATURE *E Boateng*

DATE: 17/8/12



REFUSALS REGISTER

Date	Product	Time	Name of Person or Description	Observations	Staff Member
27 22/8/12	R1222A	19:50	Black Male	No ID	B. B. S. A. G.
28 23/8/12	Pull over	12:40	White Short hair	No ID	Cant Budy
29 24/8/12	Pull over	11:55	Short Red Curly hair	No ID	Cant Budy
30					
31					
32					
33					
34					
35					

MANAGER'S SIGNATURE _____

DATE: _____

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Working Sheet

Hampshire Constabulary

Printed: 29/10/2012 19:51 by 24191

Occurrence: 44120090622 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 29/08/2012 20:20

Entered by: #24191 WOOD, B.

Entered time: 29/08/2012 20:20

Remarks: Visit with Trading Standards 29/08/12

Premises visited at 1800hrs in company with Steve Lawford (Hants Trading Standards). Female shop assistant Carmen present. Advised she could not operate the CCTV and had done verbal training on Challenge 21 only.

Stated DPS would be back between 1830hrs and 1900hrs. Refusals log taken for photocopying. - Not been signed by DPS since 17/08/12. Last recorded item 24/08/12 - none over bank holiday weekend.

Reattended at 1905hrs. DPS not originally there. Challenged Carmen as to her identity as previously provided name of Linda Tina MENSAH. She is actually Carmen BOATENG (██████████). Admitted to having used a false name as she was scared. Refusals log has been filled in in this name also. Advice given.

DPS arrived at 1910hrs. He was wearing a 'Securitas' shirt, that he took off immediately. On questioning him about this he advised he works in Basingstoke for a few hours each day doing admin type work.

Asked for training records - none available. Claimed they are still at home. Request made that they be at the premises tomorrow lunch time for collection.

CCTV requested of failed TP operation on 22/08/12 at 1753hrs. The CCTV playable on the system only held footage up to 18:06hrs on the 22nd! DPS had a USB stick that he asked Carmen to look at and find the footage - implying that it was on there. Carmen could not find it. After much to-ing and fro-ing I asked DPS to check the USB stick for the footage as Carmen hadn't seemed confident in the past of being able to operate CCTV and it was really very important that the footage was retrieved. DPS again concluded that he could not find it.

Advised that the new CCTV was installed on 16th August and that since that time there had been problems with it. Asked to see weekly checks. Was shown a file divider with records showing that a check had been made on August 5th (old system!), once in July and once in April.

My intention had been to contemp interview the DPS in relation to the TP failure. However he requested legal advice and the interview is therefore to be conducted at SC station next Wednesday 5th August. This will be done by VA record.

Entire visit captured on BWV. Produced as evidence BW/DF/BWV1M and C
RESTRICTED

(Master & Copy respectively).

24191

RESTRICTED

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Strictly Private and Confidential
Police Constable 24191 Bethan Wood

Email: bethan.wood@hampshire.pnn.police.uk

1st October 2012

Page 1 of 1

Dear Sir/Madam,

Re : Emmanuel Boateng

As requested, this is a letter to confirm Mr Emmanuel Boateng; D.O.B. [redacted] is employed with Securitas Security Services (UK) Ltd as a Security Officer. Mr Boateng commenced his employment with the company on 18th July 2012 to date. Mr Boateng is employed to work at various sites within the area.

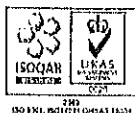
If you require any further information regarding this matter please do not hesitate to contact me on the below number.

Yours faithfully,

Edith Hall
HR Team Leader
Securitas Security Services (UK) Ltd

E-mail: edith.hall@securitas.uk.com
DD: 01933 671306
DF: 01933 671114

Securitas Security
Services (UK) Ltd
1 Regent Business Park
37 Booth Drive
Park Farm
Wellingborough
Northants
NN8 6GR
Tel: 01933 671000
Fax: 01933 671001
www.securitas.com/uk



Securitas Security Services (UK) Ltd
Reg Office: St James House, 13 Kensington Square, London W8 5HD
Reg. No: 1146486 (England)

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Wood, Bethan

From: edith hall [edith.hall@securitas.uk.com]
Sent: 03 October 2012 13:11
To: Wood, Bethan
Subject: RE: Request for Information

Bethan,

Yes this officer is full time. He is a relief officer and therefore works across various sites, most likely within the Southampton area.

Regards,



Edith Hall

HR Team Leader

Securitas Security Services (UK) Ltd

1 Regent Business Park, Booth Drive, Park Farm, Wellingborough NN8 6GR

Tel: 01933 67 1306 - Fax: 01933 67 1114

E-mail: edith.hall@securitas.uk.com

Web: www.securitas.com/uk

From: bethan.wood@hampshire.pnn.police.uk [mailto:bethan.wood@hampshire.pnn.police.uk]
Sent: 03 October 2012 08:30
To: edith hall
Subject: RE: Request for Information

Good Morning,

Thank you for this information. Could you confirm whether the employment is full time and what 'the area' referred to in the letter is?

Many Thanks,

Bethan Wood

Police Constable 24191 Bethan Wood

Hampshire Constabulary, Violent Crime and Licensing Team, Southampton Central Police Station, Southern Road, Southampton. SO15 1AN

External: 02380 674768

Internal: 741-539

Email: bethan.wood@hampshire.pnn.police.uk

From: edith hall [mailto:edith.hall@securitas.uk.com]
Sent: 01 October 2012 16:21
To: Wood, Bethan
Subject: RE: Request for Information

Bethan,

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29/10/2012

Please find attached as requested.

Regards,



Edith Hall

HR Team Leader

Securitas Security Services (UK) Ltd

1 Regent Business Park, Booth Drive, Park Farm, Wellingborough NN8 6GR

Tel: 01933 67 1306 - Fax: 01933 67 1114

E-mail: edith.hall@securitas.uk.com

Web: www.securitas.com/uk

From: bethan.wood@hampshire.pnn.police.uk [mailto:bethan.wood@hampshire.pnn.police.uk]
Sent: 25 September 2012 11:41
To: edith hall
Subject: FW: Request for Information

Good Morning,

Are you able to provide an update with regards to the below please?

Kind Regards,

Bethan Wood

Police Constable 24191 Bethan Wood
Hampshire Constabulary, Violent Crime and Licensing Team, Southampton Central Police Station, Southern Road, Southampton. SO15 1AN
External: 02380 674768
Internal: 741-539
Email: bethan.wood@hampshire.pnn.police.uk

in
2012 16:16
'securitas.uk.com'
it for Information

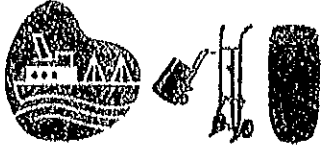
Good Afternoon,

Please find attached DP2 request.

I'd be grateful for any assistance you are able to provide.
Kind Regards,

Bethan Wood

Police Constable 24191 Bethan Wood
Hampshire Constabulary, Violent Crime and Licensing Team, Southampton Central Police Station, Southern Road, Southampton. SO15 1AN
External: 02380 674768
Internal: 741-539
Email: bethan.wood@hampshire.pnn.police.uk



"The Caribbean specialist"

Kelly's Shipping
3 Arliss Road
Maybush
Southampton
SO16 6 DG
Tel: 07855217334
Email: info@kellysshpping.co.uk
Website: www.kellysshpping.co.uk

Invoice: 31/05/12
Account No.

To: Daily Foods Southampton

scription	Size & Quantity	Quantity	Unit Price	Retail Price	Amount
Hairoun mixed drink	280ml	1Case	£27.50	£25.00	£25.00
Strong Rum	750 ml	4 Bottles	£35.00	£30.00	£120.00
Strong Rum	170 ml	4 bottles	£12.50	£10.00	£40.00
Rum Punch	750ml	4 bottles	£22.50	£20.00	£80.00
Punch De Creme	750ml	4 bottles	£22.50	£20.00	£80.00
Juc	591ml	1 case	£20.00	£18.00	£18.00
Hairoun beer	250ml	1 case	£27.50	£25.00	£25.00
			Amount Due		£388.00

Signature:.....

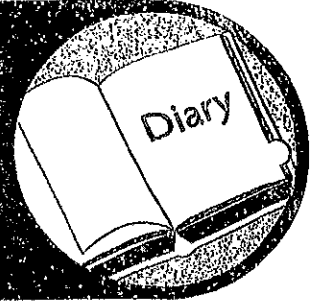
Amount payable to Kelly's Shipping
A/c No
Sort Code

*To be settled
30/06/12.*

Thanks for Choosing Kelly's Shipping!

Staff training record

For each member of staff, fill in this record when they have been trained on a safe method and ask them to write their initials to say they have been trained.



Name: Douley Foods
 Telephone no:
 Address: 33 Rumbidge street

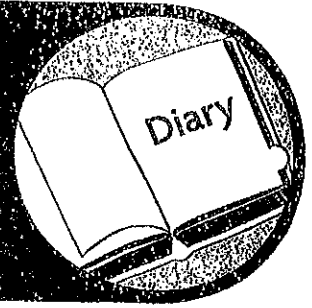
Safe method	Date	Initials
On first day		
Personal hygiene	8/02	EB
Opening and closing checks	8/01	S.B
Cross contamination		
Cleaning	//	
	//	
Chilling	//	
	//	
Management	//	
	/	
Cooking and preparation (if relevant)		
Other training or retraining		

Name: Daily Foods
 Telephone no:
 Address: 33 Rumbidge st

Safe method	Date	Initials
On first day		
Personal hygiene	Challenge 25	8/08/12
Opening and closing checks		8/8/12
Cross contamination	09.30 - Training completed	
	10:00 Training complete	
Cleaning		
	EB rated 8/8/12	
Chilling		
Management		
	Next Training - 8/10/12	
	09:20 - Training started	
Cooking and preparation (if relevant)		
Other training or retraining		

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Notes



CCTV Traning. Logs

<u>System checks</u>	<u>DATE</u>	<u>TIME</u>
All ok →	20/07/12	0900
All ok →	27/07/12	0900
All ok →	3/8/12	0900
All ok →	8/8/12	0900
All ok →	15/8/12	0900
All ok Data Backup One Camera Not Recording →	20/8/12	0900
Engineer Callout instructed System check →	28/8/12	0900
Waiting for Engineer →	28/8/12	0900

4-weekly review

You should regularly review the methods used in your business to check that they are up to date, and still being followed by you and your staff.

You can use the checklist below to help you.

- Look back over the past 4 weeks' diary entries. If you had a serious problem, or the same thing went wrong three times or more, make a note of it here, find out why and do something about it.

Did you have a serious problem or did the same thing go wrong three times or more?

Yes No

Details: Refusals of underage
customers

What did you do about it?

Registered it with refusal Booklet

- Did you get a new member of staff in the past 4 weeks?

Yes No

Were they trained in your methods?

Yes No

- Have you changed supplier/bought any new products?

Yes No

Do these affect any of your safe methods?

- Are you using any new/different equipment?

Yes No

Does this affect any of your safe methods?

- Other changes/notes:

If you sell unwrapped foods

- Have you changed the products that you sell?

Yes No

Have you reviewed your safe methods?

Yes No

Any changes/new methods?

RECORD OF INTERVIEW

SDN / ROTI / Contemporaneous Notes * (* delete as applicable)

Person interviewed: <u>EMANUEL ROBERT</u>	Police Exhibit No: <u>BW/EB/1V1</u>
Place of interview: <u>DAILY FOODS,</u> <u>LUMBRIDGE STREET,</u> <u>TOTTEN</u>	Number of Pages: <u>5</u>
	<u>29191</u> signature of interviewing officer producing exhibit

Date of interview: 05 SEPT' 12

Time commenced: 1335 hrs Time concluded: 1410 hrs

Duration of interview: 35 mins Tape reference nos. (*):

Interviewing Officer(s): PC 24191 WOOD

Other persons present:

Tape counter times(*)	Person speaking	Text
	PC24191	I propose to conduct a formal interview by means of contemporaneous notes. This means I will write down a question and invite you to answer that question. Before the interview begins I will caution you and tell you that you do not have to say anything, but it may harm your defence if you do not mention when questioned something that you later rely on in court. Anything you do say may be given in evidence. DO YOU UNDERSTAND WHAT I HAVE SAID?
<u>X E B</u>	REPLY PC24191	<u>YES I UNDERSTAND</u> YOU ARE NOT UNDER ARREST and you are not obliged to stay here with me / you can ask me to leave. DO YOU UNDERSTAND?
<u>X E B</u>	REPLY	<u>YES</u>
	PC24191	You are entitled to legal advice, do you wish to have legal advice?
<u>X E B</u>	REPLY	<u>NO</u>
	PC24191	On conclusion of the interview you will be invited you to read the questions and write a certificate stating that they are a true and accurate record of the interview. If you are unable to do so please advise me now, so alternative arrangements can be made.
	PC24191	Are you willing to continue with the interview?
<u>K</u>		<u>YES</u>
	<u>29191</u>	<u>ARE YOU AWARE OF A TEST PURCHASE OPERATION ON 22ND AUGUST 2012?</u>

E	REPLY	NO
	24191	WHEN YOU MET THE TRAINING STANDARDS OFFICER WHO ADVISED THAT YOU HAD FAILED?
E.B	REPLY	YES I KNOW
	24191	WHAT HAPPENED?
E.B	REPLY	I HAD APPROXIMATELY 5 PEOPLE TO SERVE THAT EVENING. I WAS TOLD THAT ONE OF THEM WAS A TEST PURCHASER.
	24191	DO YOU REMEMBER THE SALE IMMEDIATELY BEFORE THE TRAINING STANDARDS OFFICER CAME IN?
E.B	REPLY	NO YES THEY ALL LOOKED OVER 25 TO ME. IN FACT 2 OF THEM STATED THAT THEY WERE OVER 25.
	24191	SO YOU DON'T REMEMBER ANYTHING ABOUT THE SALE MADE IMMEDIATELY BEFORE THE TRAINING STANDARDS OFFICER CAME IN?
E.B	REPLY	NO, LIKE I SAID I REMEMBER 5 PEOPLE
	24191	THIS IS YOUR OPPORTUNITY TO GIVE ME YOUR FULL ACCOUNT OF WHAT HAPPENED, INCLUDING ANY DEFENCE / EXCUSE YOU MAY HAVE. DO YOU UNDERSTAND?
E.B	REPLY	I UNDERSTAND THAT
		SIGNATURE

Signature(s)

(Contemporaneous notes only)

♦ Not relevant for contemporaneous notes

	20191	DO YOU STILL MAINTAIN THAT YOU CANNOT RECALL THE SALE IMMEDIATELY BEFORE THE TRAINING STANDARDS OFFICER ENTERED AT ABOUT 1800HRS?
E.B	REPLY	YEAN THERE ARE QUITE A LOT OF PEOPLE WHO COME IN.
	20191	THE TRAINING STANDARDS OFFICER SENT A SIXTEEN YEAR OLD INTO YOUR PREMISES CARRYING NOTHING BUT A TIO NIFE. THE SIXTEEN YEAR OLD RETURNED WITH A WHITE CAPPED BAG CONTAINING 4 CANS OF FOSTERS AND A PACKET OF TOBACCO. HE WAS WITNESSED TO ONLY ENTER YOUR STORE. WHO SOLD THE FOSTERS AND TOBACCO?
E.B	REPLY	I CANNOT TELL YOU WHETHER THAT WAS ME OR NOT. I MIGHT HAVE SOLD IT TO HIM, AS USAD I MIGHT HAVE.
	20191	DO YOU ACCEPT THAT IT WAS SOLD TO HIM AT THIS STORE?
E.B	REPLY	NO. I CAN'T BE 100% SURE WE HAVE A LOT OF PEOPLE COME IN. HOW CAN I BE SURE.
	20191	WHO ELSE WAS WORKING IN THE STORE AT 1800HRS ON 22ND AUGUST?
E.B	REPLY	ME, JUST ME.
	20191	WAS THERE ANYONE ELSE WORKING IN THE 10 MINUTES PRIOR TO 1800HRS? SIGNATURE

Signature(s)

(Contemporaneous notes only)

♦ Not relevant for contemporaneous notes

3	REPLY	NO
	2019:	DO YOU UNDERSTAND THAT IT IS AN OFFENCE TO SELL ALCOHOL AND TOBACCO TO SOMEONE UNDER 18 YEARS OLD?
E.B	REPLY	YES I DO. THOSE 5 PEOPLE ALL LOOKED OVER 25 TO ME. I ASKED 2 OF THEM THEN SAID THEY SAID THEY WERE AN ENOUGH , OVER 25.
	2019:	DID YOU SEE ID FROM EITHER OF THEM?
E.B	REPLY	NO, THEY SAID THEY WERE ABOVE 25. THEY LOOKED OVER 25.
	2019:	AM I ABLE TO HAVE A COPY OF CCTV FOR 17-9-0-1820 hrs ON 22ND AUGUST?
E.B	REPLY	NO
	2019:	WHY NOT?
E.B	REPLY	THE CAMERA WAS FAULTY DURING THAT PERIOD THE SYSTEM DIDN'T RECORD.
	2019:	DO YOU ACCEPT THAT WHEN MY TRAINING STANDARDS COLLEAGUES AND I ATTENDED ON 29TH AUGUST WE COULD VIEW CCTV UP TO 1805hrs ON 22ND AUGUST BUT NO LATER?
E.B	REPLY	I DON'T KNOW BECAUSE I (WAS) THE NOT ACTUALLY GIVE THROUGH THE SYSTEM TO CHECK. I NEED TO REPLY.
SIGNATURE		

Signature(s)
 (Contemporaneous notes only)
 ♦ Not relevant for contemporaneous notes

2019. WE BOATED, I'M REPORTING YOU FOR
THE OFFENCE OF SELLING ALCOHOL AND
DRUGS TO A PERSON AGED UNDER 18
AND FOR BEING IN BREACH OF YOUR
PREMISES LICENCE BY NOT BEING ABLE
TO PROVIDE CCTV
C/N DO YOU UNDERSTAND?

EIB REPLY UCAH

2019. DO YOU WISH TO MAKE A REPLY?

EIB REPLY I HAVEN'T DONE ANYTHING WRONG.

I HAVE READ THE RESPONSES ABOVE AND AGREE
THAT THEY ARE AN ACCURATE RECORD OF
WHAT I HAVE SAID.

X

SIGNATURE

Signature(s)
(Contemporaneous notes only)
♦ Not relevant for contemporaneous notes

11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be

positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

REPETITIOUS GROUNDS OF REVIEW

11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than

one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

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 and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police 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.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.