

APPENDIX A

[Insert details including name and address of licensing authority and application reference if any (optional)]

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Ray MOORE (On behalf of Trading Standards)

(Insert name of applicant)

apply for the 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 Sehra Supermarket 154 Camberwell Road	
Post town London	Post code (if known) SE5 0EE

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

██████████

Number of premises licence or club premises certificate (if known)

828582

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Southwark Council – Trading Standards

Ray MOORE
Trading Standards Officer
Regulatory Services
3rd Floor Hub 1
PO Box 64529
London SE1P 5LX

Telephone number (if any)

0207 525 0816

E-mail address (optional)

Ray.moore@southwark.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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Prevention of Crime and disorder –

- Contravention of Section 144 of the Licensing Act 2003 – knowingly keeping on licensed premises smuggled goods (i.e. super strength beers and spirits)
- Offer and sale of duty evaded super strength beers and spirits – Customs and Excise Management Act
- Contravention of Section 136 of the Licensing Act 2003 – contravention of a mandatory premises license condition that alcohol should not be sold below the minimum price – Karpackie 9% ABV lager on sale at £1.30 when the minimum price was £1.34
- Failure to produce traceable invoices for all super strength beers purchased – General Food Hygiene Regulations 2013, Regulation 19
- Contravention of Regulation 12 of the Consumer Protection from Unfair Trading Regulations 2008 – engaging in a commercial practice creating the impression that a product can be sold legally when it cannot
- Contravention of Section 92 of the Trade Marks Act 1994 – use of a registered trade mark without the approval of the trade mark holder



The facts of the matter are as follows:-

On Wednesday 20th March 2019 Ray MOORE from the Trading Standards Team and Justin WILLIAMS from the Licensing Team were out with Night Time economy Police doing visits to licensed premises. On the basis of information a test purchase of a can of Karpackie 9% ABV lager was made. This item cost £1.30 for a 500ml can. The minimum price for this item, (i.e. Duty + VAT) would be £1.34. So it was, in effect being sold 4p below the minimum price – which is simply the taxes on the product.

As a result of this the two officers and police from the Night Time Economy Team went to the shop and announced themselves. Mr MOORE explained that he wished to examine the alcohol in the shop and that he intended to seize the Karpackie as he had reason to believe it had been smuggled into the country from Poland without payment of duty. The person Mr MOORE dealt with was the premises license holder and designated premises supervisor [REDACTED]. Amongst the spirits were bottles of Alomo Bitters (40% ABV) and Powers Irish Whisky (40% ABV) which did not carry the required duty stamps. Once again these were clearly items that had been smuggled into the country without payment of duty. Further examination of the spirits revealed that there were a number of vodkas and whiskeys that had counterfeit rear labels including counterfeit rear labels. These included counterfeit duty stamps and counterfeit company trade marks. This is commonly found on products that have been produced in the UK for export and therefore free of UK duty. These products are then diverted back onto the UK market before reaching their port of departure. However, as these items have no UK duty marks they then remove the rear sticker and replace it with a counterfeit one. In total the following items were seized:-

- 254 x 500ml cans of Karpackie lager 9% ABV
- 21 x 750ml bottles of Alomo Bitters 40% ABV
- 23 x 200ml bottles of Aomo Bitters 40% ABV
- 30 x 200ml bottles of orijin Bitters 30% AQBV
- 7 x 1000ml bottles of Smirnoff Vodka 37.5% ABV
- 3 x 700ml bottles of Smirnoff Vodka 37.5% ABV
- 5 x 1000ml bottles of Glenn's Vodka 37.5% ABV
- 8 x 700ml bottles of Glenn's Vodka 37.5% ABV
- 2 x 700ml bottles of High Commissioner Whisky 40% ABV
- 3 x 700ml bottles of Powers Irish Whisky 40% ABV

Mr MOORE formally requested invoices for the above products under food legislation

and gave ■ ■■■■■ a notice fro the items seized, No 2575 (exhibit RAY/Sehra/1).

On Friday 29th March 2019 ■■■■■ came in for a PACE interview about the alleged offences. However, he decided he wanted to have a solicitor with him so a second appointment was made for Friday 5th April 2019. In the end ■■■■■ decided that he didn't want a solicitor and he accepted that he had no invoices for the products and that he had made a mistake. He agreed to sign a simple caution relating to the alleged offences which he did on 5th April 2019. (exhibit RAY/sehra/3). The transcript of the interview is exhibit RAY/sehra/2. He also signed over the seized goods to London Borough of Southwark for destruction.

The issue of the sale of high strength beers and ciders continues to be a problem in the London Borough of Southwark and has a major impact on public health and the well being of the local population. This is particularly acute when they are being sold below the minimum price. The issue of illegal alcohol in general continues to be a major issue across the borough and is not compatible with the licensing objectives.

The sub-committee is invited to consider all options available to it including revocation.

Please tick yes

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

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

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
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 26th April 2019

Capacity Trading Standards Officer acting on behalf of Southwark Council

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail 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.