



## APPENDIX F TRANSFER

The Licensing Unit  
Floor 3  
160 Tooley Street  
London  
SE1 2QH

**Metropolitan Police Service**  
**Licensing Office**  
Southwark Police Station,  
323 Borough High Street,  
LONDON,  
SE1 1JL

Tel: 0207 232 6756

Email: SouthwarkLicensing@met.police.uk

**Date:** 15<sup>th</sup> August 2022  
**Ref** 123/21/2022

### **Re:-Soho Sweets UK ltd 133-135 Southampton Way Presco Food & Wine**

Dear Sir/Madam

Police are in receipt of an application form the above to transfer the premises licence.

Police have received evidence from Ray Moore of Southwark's Trading Standards Service that to grant the application to transfer the premises licence for the above premises would undermine the licensing objectives, in particular the prevention of crime and disorder.

This application was received alongside an application to vary the DPS for the same premises licence. It is believed the persons that have the overriding control of the premises have previously held premises licences that were subject to reviews of the premises licence, resulting in the revocation of the premises licence.

The full evidence will be provided by Ray Moore. Full statements to be attached in due course as additional evidence.

Submitted for consideration.

Yours Sincerely

**PC Ian Clements 2362AS**  
Licensing Officer  
Southwark Police Licensing Unit



**VARY DPS**

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**Date:** 15<sup>th</sup> August 2022  
Ref 122/21/2022

**Re:-Soho Sweets UK ltd 133-135 Southampton Way Presco Food & Wine**

Dear Sir/Madam

Police are in receipt of an application form the above to vary the premises licence by way of changing the DPS.

Police have received evidence from Ray Moore of Southwark's Trading Standards Service that to grant the application to vary the DPS of the above premises would undermine the licensing objectives, in particular the prevention of crime and disorder.

This application was received alongside an application to transfer the premises licence. It is believed the persons that have the overriding control of the premises have previously held premises licences that were subject to reviews of the premises licence, resulting in the revocation of the premises licence.

Submitted for consideration.

Yours Sincerely

**PC Ian Clements 2362AS**  
Licensing Officer  
Southwark Police Licensing Unit

**IN THE CAMBERWELL GREEN MAGISTRATES COURT**

**IN THE MATTER OF THE LICENSING ACT 2003**

**BETWEEN**

**COSTCUTTER**

**Premises Located at 257 – 259 Southwark Park Road London SE16 3PT**

**Appellant**

**And**

**LONDON BOROUGH OF SOUTHWARK**

**Respondent**

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**WITNESS STATEMENT OF WILLIAM ROBERT MASINI**

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1. I, William Robert Masini of Southwark Council, 160 Tooley Street, SE1 will say as follows:

2. I am employed as a Trading Standards Officer authorised by The London Borough of Southwark. In that capacity I am authorised to enforce many statutes including The Licensing Act 2003 and the Trade Marks Act 1994.

3 Trading Standards regularly carries out joint visits with Her Majesty's Revenue and Customs (HMRC). HMRC is looking for illicit tobacco and alcohol. This will often take the form of what is known as duty diversion fraud. Diversion spirit fraud is where spirits are either produced in the UK for export or are produced abroad for another country but are diverted into the UK (smuggled) and sold in the UK, thereby avoiding UK duty. Originally these products have a duty stamp label of some sort for the intended market on the reverse of the bottle. These are removed and counterfeit "UK Duty Paid" labels are put in their place leading

people to believe the product for sale is legal. As well as the offence of evading duty, this is also an offence under the Trade Marks Act 1994 because there will be an unauthorised use of the relevant trade mark on the label later applied. Amongst other matters, Trading Standards is looking to identify counterfeit tobacco and alcohol and to check for compliance with conditions on an alcohol licence.

4. I should point out here there is a real problem particularly in inner London with the supply of counterfeit alcohol and tobacco both of which can cause particularly damaging to health because their manufacture is almost always with poor quality products in a non-existent quality control environment. For a retailer to purchase such products from an unauthorised source such as "white van man" (unknown individual who touts such items from a van by visiting retailers on spec, receiving payment in cash only with no invoices and thus untraceable) and then sell to the general public is to put their health at risk and irresponsible as well as avoiding tax and duty payable. Trading Standards say it is also anti-competitive and unfair on other retailers who buy the legal products at higher prices.

5. On 31<sup>st</sup> January 2014, accompanied by two officers from HMRC, I visited Costcutter at 257/259 Southwark Park Road London SE16 3TP at around 10.30am to carry out such a visit. I made enquiries of the staff working there and ascertained there was no personal licence holder on the premise. A condition of the Premise Licence for this shop is for there to be a personal licence holder on the premise at all times alcohol is supplied so that such sales are legal. I

witnessed alcohol being sold before I was able to establish that no one held a personal licence.

6. The HMRC officers inspected the alcohol on the shelves and also in the stock room. They found a significant quantity of alcohol on the premise both for sale and in the stock room that was diversion spirit fraud as outlined earlier in this statement. The man in the back of the shop gave his name as [REDACTED] and said he was the manager of the shop but did not hold a personal licence. [REDACTED] said he had been the manager for about three months and when questioned further, said September 2013. In the shop was a sign saying "Blue Supermarket Limited". He later said he was a director of that business. He was unable to say where the alcohol had come from and unable to produce any invoices. To date no invoices have been produced for these items.

7. HMRC seized these items. – 210 bottles. They were:

- 126 bottles of Smirnoff vodka (70cl)
- 10 bottles of Smirnoff vodka (1 Litre)
- 17 bottles of Famous Grouse Whisky (70cl)
- 18 bottles of Bells whisky (70cl)
- 31 bottles of Glens vodka (70cl) – also identified as counterfeit
- 8 bottles of High Commissioner whisky (70cl)
- 24 bottles of wine (70cl)

8. The 31 bottles of Glens Vodka (70cl) were also identified as counterfeit. By that, it is meant that unlike the other spirits, the vodka in the bottle was not that produced by Glen Catrine Limited, the manufacturer of "Glens vodka". All duty would have been evaded as well. The other spirits listed above contained what was said on the bottle but UK duty had been evaded with the use of a counterfeit "UK duty paid" label on the back of the bottle.

9. No alcohol licence was displayed on the premise. I asked [REDACTED] if there was one on the premise, or at least a summary thereof. He found some paperwork in an envelope at the back of the shop. When I asked [REDACTED] for some identification he gave an address of [REDACTED]

[REDACTED] On the summary of the licence he produced, it showed [REDACTED] of the same address to be the premise licence holder. I pointed this out to him and he said that was him. I also pointed out to him he had been the premise licence holder since 22 June 2009, some four and a half years. I asked him what, if any, steps had been taken to transfer the premise licence in his absence and he was unable to give an answer.

10. I asked him to produce his age verification policy, the refusals book and training records as required by conditions 341 and 342. He did not appear to understand the issue of adopting and implementing a recognised Proof of age scheme and had no idea where a refusals book could be found. He also did not know about any training records. He simply said he had only been there for three months and could not explain why he had been the Premise Licence Holder for many years.

11. The man behind the counter said he was [REDACTED] He gave a home address in Slough Berkshire and said he did not hold a personal licence. He said he had received no training. He looked blank when asked whether there was a

refused sales book in use. He clearly had no understanding of what he was being asked of him.

12. [REDACTED] requested [REDACTED] The Designated Premises Supervisor to attend the shop. When he arrived he eventually located a refused sales book. The last entry was shown as 3<sup>rd</sup> February 2012, almost two years previously.

13. In the paperwork [REDACTED] had found in the office, there was a signed training record declaration dated:-

18 November 2009 - [REDACTED]

19 November 2009 and 10 August 2010 - [REDACTED]

10 August 2010 and 10 March 2011 - [REDACTED]

18 March 2011 - [REDACTED]

There were no training record declarations for anyone else including none for

[REDACTED] or [REDACTED]

#### STATEMENT OF TRUTH

I, William Robert Masini, confirm that the content of this witness statement is true to the best of my knowledge and belief

Signed.. [REDACTED]  
William Robert Masini

Dated 17 October 2014

## STATEMENT OF WITNESS

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9)

**Statement of (full name):** Raymond Henry MOORE

**Age of witness (if over 18, write "over 18"):** Over 18

This statement (consisting of 3 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 employed by the London Borough of Southwark as a Principal Trading Standards Officer and as such I am authorised under a wide range of legislation including the relevant provisions of the Licensing Act 2003.

I am making this statement in relation to a recent application to transfer a premises license for the business trading at 133-135 Southampton Way, SE5 7EW. The previous premises license holder surrendered the license. The application is to transfer the surrendered license to Soho Sweets (UK) Ltd and the proposed DPS is to be [REDACTED]

The applicant Soho Sweets (UK) Ltd (Company registered no 13621641) has a registered office at 26 Camberwell Church Street, SE5 8QU. The sole director is [REDACTED] who also has the majority share in the company. The address of 26 Camberwell Church Street, SE5 8QU is the address of Cruson Supermarket which applied for a premises license in 2020. The LSC refused the application on 24<sup>th</sup> September 2020.

I produce a copy of the company house details for Soho Sweets (UK) Ltd as an exhibit RAY/PRESCO/1. I produce a copy of the Notice of Decision (NOD) for the refusal of the application for Cruson Supermarket as an exhibit RAY/PRESCO/2.

Note the following from the Notice of Decision:-

**Signed:** ..... **(witness)** **Date:** .....

(To be completed if applicable: ..... being unable to read the above statement I, ..... of ....., read it to him/her before he/she signed it.

**Signed:** [REDACTED] .....

**Date:** 15/8/22 ..... ) CL4



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"The licensing sub-committee heard from the applicant's representative who advised that the application was made by Cruson Local Food Limited. [REDACTED] was the sole director, who was unable to attend the hearing due to IT issues. The representative advised that the applicant was available on the telephone via the designated premises supervisor (DPS), [REDACTED] who was present at the meeting and able to speak on her behalf, having bought a 25% share of the business. However, this 25% share had not been registered at Companies House to date...

... It was also established that the director of Cruson Local Food Limited, [REDACTED] [REDACTED] was married to [REDACTED] who was a designated premises supervisor of a premises at 257 Southwark Park Road, London SE16 3TP, that was reviewed in 2014 and had its premises licence revoked for, amongst other things, selling counterfeit vodka. It was trading standards' contention that [REDACTED] was the person in control of the operation."

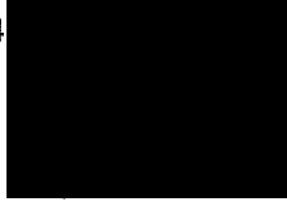
It should be noted that the previous premises license holder for 133-135 Southampton Way handed in the license because he had concerns over the running of the business. After he had spoken to licensing he asked to speak to Ray MOORE in the trading standards team to explain his concerns. He also said that the business was controlled by [REDACTED] who owns the building but that it was managed by [REDACTED] [REDACTED] Southwark Personal License [REDACTED] He was the business partner of [REDACTED] at the Southwark Park Road premises. His previous address in Southwark was [REDACTED]

[REDACTED] and [REDACTED] ran a business called Costcutters at 257-259 Southwark Road, SE16 3TP which had its license revoked in 2014 over a substantial

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quantity of counterfeit and smuggled alcohol found on the premises by Trading Standards and HMRC.

I produce a copy of the company house records for Cruson Food Ltd (Co Number) as an exhibit RAY/PRESCO/3. I produce a copy of the notice of decision for Costcutters in 2014 as an exhibit RAY/PRESCO/4



s18/22