

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 Bill Masini (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 Rye Express 137-139 Rye Lane	
Post town London	Post code (if known) SE15 4ST

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

Number of premises licence or club premises certificate (if known) 837774

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 Bill Masini Trading Standards Officer Community Safety & Enforcement 3 rd Floor Hub 2 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) bill.masini@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 checked="" type="checkbox"/> |

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

Prevention of Crime and disorder –

- Illegal worker in shop
- Illegal immigrants residing in premise
- No personal Licence holder on premise as required by condition 336
- No member of staff able to operate the CCTV system as required by condition 342
- Illegal shisha tobacco on sale
- Duty evaded alcohol on sale including "diversion fraud"

The protection of children from harm

- Failure to adopt and implement an age verification scheme including the use of a refusal book for the purpose of recording all refused sales of alcohol and a recognised training scheme for all staff concerned with the sale or supply of intoxicating liquor, records of which shall be kept and made available for inspection.
- No register of refused sales of alcohol maintained and available for inspection as required by condition 4A1

Trading Standards enforce various fair trading laws including The Licensing Act 2003 and carries out joint inspection visits with Southwark's Police Licensing/Night time Economy officers. This is for the purpose of ensuring the conditions on the licence as well as the four objectives under The Licensing Act are adhered to. It is also for the purposes of identifying other criminal offences.

The premise licence permits alcohol to be sold 24 hours a day seven days a week (168 hours) but does require there to be a personal licence holder to be on the premise at all times that alcohol sold is supplied – (condition 336)

On 13 March 2015 Trading Standards carried out a joint visit with the Metropolitan Police to this premise. The shop was open to the general public and alcohol was spread across about half of the shop. There were no signs displayed to indicate alcohol was not for sale. The sale of alcohol was clearly a very significant part of the business.

The Police checked the identity of the person working behind the counter. He was the only person working in the shop. He was confirmed to be an illegal immigrant who had been previously removed from the UK in 2014. He was arrested and taken to Walworth Police Station. He did not hold a personal licence to sell alcohol.

Officers also checked the rest of the premise. At the rear of the shop there were very narrow stairs to a store room and an office. Near to the office door was a hole cut into a wall that led to a darkened area. In order to get through anyone had to crawl on their hands and knees. Officers did this but then noticed parts of the floor were missing and the floor was precarious such that parts of the shop below was clearly visible and loose boards had been used as planks over the ceiling beams to the shop. They were evidently there to assist anyone seeking to access what appeared to be a room at the end. There were no external windows to this room. In the room asleep on mattresses on the floor were two men. They were escorted downstairs where their identities were checked. Both men were also illegal immigrants who had previously been removed from the UK. They too were arrested and taken to Walworth Police Station.

The men arrested were

Goods on the premise were examined.

Six boxes each containing six 70cl bottles of Smirnoff vodka had been placed above the shelves. These were immediately identified as diverted non duty paid products. The UK duty paid label had been covered over with a white round obliteration sticker. The box had the UK duty stamp crossed through and the boxes had been clearly opened and then resealed. Duty on a 70cl bottle is £9.48 including VAT and therefore the duty evaded on these bottles alone is £341.28.

Also on the premise was found:

- 42 bottles of Wray and Nephew white over proof rum (63% abv) - 4 x 70cl, 11 x 375cl and 27 x 200cl bottles
- 11 x 70cl bottles of Alomo Bitter which had an alcohol by volume of 42%
- 1 x 1 litre bottle of Oxley Dry Gin (47% abv)
- 1 x 1 litre bottle of Chilgene Gin (43% abv)
- 1 x 70cl bottle of Bayswater Gin (43% abv)
- 1 x 70cl bottle of Corinthian Gin (40% abv)
- 1 x 70cl bottle of Thunder Toffee Vodka (29.9% abv)
- 1 x 70cl bottle of Geranium Gin

This made a total of 76.725 litres of spirits. The VAT inclusive duty evaded where the strength was "merely" 40% abv was around £1030. Duty on spirits above 40% abv is higher.

The 70cl bottles of Wray and Nephew rum had stated on the bottles "In bond sale only" and appeared to have been directly imported from Jamaica without the duty being paid in either in Jamaica or the UK. One of the outers had a British Airways sticker on it showing it had been brought into the country via Gatwick. They did not contain UK duty paid marks.

The Oxley Gin appeared to have been produced in the UK for the US market and the Corinthian Gin appeared to have been produced in the UK for the German market. Again none of these products bore UK duty paid marks.

The alcohol was seized by The Police.

Also in the shop for sale were 15 x 50 gram packets of duty evaded and illegal shisha tobacco. Trading Standards seized these items.

There was no refusals book available for inspection and no written list of staff authorised to sell alcohol at the shop as required by condition 4AI.

There were also breaches of conditions 488 – age verification scheme, condition 293 (all staff to trained to accept only valid identification concerning underage sales) and condition 4AB (staff training re Challenge 25)

There was no one able to use the CCTV system as condition 342 requires – “A member of staff able to operate the CCTV system must be on the premises when alcohol is supplied.”

A check of the till roll indicated alcohol had been sold a few minutes before this visit was made.

Trading Standards say the premise is clearly unsuitable for the sale of alcohol and recommends to the sub-committee that the licence be revoked.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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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

[Redacted Signature]

Date 7 April 2015

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.