

Reference: 2011/01803/01SRAP

Hearing:

8th September 2011

Application for Review of Premises Licence

Premises Name: Polish Shop U Krzycha
 Premises Address: 192A Shirley Road
 Freemantle
 Southampton
 SO15 3FN

Application Date: 19th July 2011
 Application Received Date: 19th July 2011

Application Valid Date: 19th July 2011



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No response received	

Hampshire Fire And Rescue - Licensing	Yes	
Environmental Health - Licensing	No response received	
Planning & Sustainability - Building Control - Licensing	No response received	
Planning & Sustainability - Development Control - Licensing	No response received	
Hampshire Constabulary - Licensing	No response received	
Trading Standards - Licensing	No	

Other Representations

Name	Address	Contributor Type
None		

Legal Implications

1. Part 3 of the Licensing Act 2003 provides that a responsible authority of a resident or business in the vicinity (interested party) may apply for review of a premises licence.
2. The grounds of review applications must relate to one or more of the licensing objectives.
3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.
4. On receipt of the application for review, the officers will consider its validity, under delegated powers. Reasons for rejection, in whole or in part, include:
 - that the grounds for review are not relevant to one or more of the licensing objectives and;
 - (in the case of an application not made by a responsible authority), that the application is frivolous, vexatious or repetitious.
5. The City Council must, within one day of receiving the application for review, display a prescribed notice of the review application on the outside or adjacent the premises; the notice must remain on display for 28 days and any interested party in the vicinity

6. Unless the applicant, licence holder, interested parties and responsible authorities agree that a hearing is unnecessary, the City Council is then required to hold a hearing to consider the review.
7. The sub-committee, in considering the application for review, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
8. The Licensing Act 2003 provides that, in determining an application for review, the sub-committee may take any (or none) of the following steps, as it considers necessary:
 - modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
9. The Licensing Act 2003 makes provision for appeal to the Southampton Magistrates' Court against the sub-committee's decision in relation to an application for review.
10. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
11. Copies of the application for review and the Police objection are annexed to this report.
12. The sub-committee must also have regard to:-
13. *Crime and Disorder Act 1998*

Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
14. *Human Rights Act 1998*

The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

SOUTHAMPTON CITY COUNCIL

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Southampton City Council Trading Standards Service

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Polish Shop U Krzycha, 192A Shirley Road,	
Post town Southampton	Post code (if known) SO15 3FN
Name of premises licence holder or club holding club premises certificate (if known) Mrs. Mariola Kudera	
Number of premises licence or club premises certificate (if known) 2008/03439/01SPRD	

Part 2 - Applicant details

I am

1) an interested party (please complete (A) or (B) below)

Please tick yes

- 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 Southampton City Council Trading Standards Service Civic Centre Road Southampton SO14 7LY
Telephone number (if any) 023 8083 4930
E-mail address (optional) lucas.marshall@southampton.gov.uk

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

Please tick one or more boxes

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

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

The Prevention of Crime and Disorder

This review is on the ground that the premises are being used for criminal purposes namely the keeping of smuggled alcohol, and the sale and possession for sale of smuggled cigarettes and tobacco at the premises which trades as Polish Shop U Krzycha, 192A Shirley Road, Southampton, (formerly Maria).

Paragraph 11.26 of the October 2010 edition of the Home Office's amended Statutory Guidance issued under Section 182 of the Licensing Act 2003 states that: "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 sale of smuggled tobacco and alcohol."

Paragraph 11.27 of the Guidance goes on to say that:

"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."

Since Mrs. Mariola Kudera started trading in 2008 advice, and warnings, have been given to her regarding the presence of illegal alcohol and tobacco at the premises; however she has consistently failed to heed that advice. It is considered that Mrs. Mariola Kudera has not fulfilled her duty under the Licensing Act 2003 to prevent crime and this application for review of the licence is with a view to revocation of the licence.

Please provide as much information as possible to support the application

(please read guidance note 2)

On 15th February 2011, whilst inspecting the premises which trades as Polish Shop U Krzycha, 192A Shirley Road, Southampton, I found 73 bottles of smuggled vodka in the shop's storeroom. 29 packs of smuggled tobacco and cigarettes were also found. A test purchase of smuggled cigarettes had previously been made at the shop on 14th February 2011, as part of a project.

On 1st March 2011 I interviewed Mrs. Mariola Kudera, the Premises Licence Holder. She claimed that the 73 bottles of smuggled vodka were not intended for sale: they were for a wedding party for her son which will be taking place in September. I believe that the vodka was stored at the shop because it was intended for sale from the shop.

Only a few bottles of legal spirits were displayed for sale on a shelf above the shop's counter. Under Section 144 of the Licensing Act 2003 a Premises Licence Holder commits an offence if he/she knowingly keeps or allows to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported, regardless of whether it was intended for sale. Mrs. Kudera said that her husband sold smuggled cigarettes, and that she knew that he did so from the premises. She claimed that she had tried to stop him but had been unable to as he is a violent alcoholic. He works at the shop 2-3 days per week. Mrs. Kudera claimed that he often drinks alcohol whilst there. Mrs. Kudera has also smelt of alcohol when I have made previous visits to the premises, and I have noted half empty bottles of vodka in her handbag and behind the counter. She admitted that she sometimes drinks at work. Her son, Kryztof Kudera, is the Designated Premises Supervisor, however he has a full time job at Ikea and is only involved in deliveries of goods at Polish Shop U Krzycha; effectively the premises are unsupervised. The presence of an effectual DPS could have helped prevent these offences occurring.

I had previously found smuggled vodka at Polish Shop U Krzycha on 23rd November 2009, which was displayed for sale. Smuggled tobacco was also found on that occasion and Mrs. Kudera accepted a Simple Caution, which is appended to this Review. Smuggled tobacco had also been found at Maria in June 2008. Written and verbal warnings were given to both Mariola and Jack Kudera following these incidents. I have appended a history of visits and actions by Trading Standards Officers relating to Polish Shop U Krzycha (formerly Maria). Unfortunately these actions have not been effective in preventing Mrs. Kudera from committing further offences, and I would therefore request that the licence is revoked. I have appended to this Review Application news articles concerning off licences which have had their licences revoked following sale of smuggled goods.

Whilst Polish Shop U Krzycha would be able to continue selling tobacco products the revocation of the licence would send out a strong message to this trader and others, that the sale of smuggled goods will not be tolerated in shops licensed by this Authority. Illegal cigarettes are considerably cheaper than legal ones, making them more affordable to children and adults, leading to increased usage. The sale of smuggled goods also undermines competition with legitimate traders, and supply is linked to the funding of organised crime.

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

19th July 2011

.....

Capacity Trading Standards Officer

.....

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) 02380 834430

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) LUCAJ.MARSHALL@SOUTHAMPTON.COV.UK

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.
6. See separate guidance for responsible authorities' details.

TRADING STANDARDS SERVICE WITNESS STATEMENT



C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2010 (Rule 27)

STATEMENT OF: **LUCAS MARSHALL**

AGE IF UNDER 18: **OVER 21**

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 15 day of MARCH 2011 Signature:

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

I..... of

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

Dated the day of 2011 Signature:

A My name is Lucas Marshall. I am employed by Southampton City Council as a Trading Standards Officer. On 14 February 2011 I conducted a test purchase exercise in Southampton, to determine whether shops were selling cigarettes which were not compliant with the Tobacco Products
 B (Manufacture, Presentation and Sale)(Safety) Regulations 2002 (as amended). At approximately 15.40 I witnessed the test purchaser, Ania Kinnross, enter a retailer called Maria, at 192A Shirley Road, Southampton. I had asked her to attempt to purchase Polish cigarettes at the premises. Shortly after
 C she came out of the store and handed two packets of L&M brand cigarettes to me. They were labelled 'For Duty Free Sale only' and did not bear pictorial health warnings. On 15 February 2011 at approximately 15.15 I returned to the store with Fair Trading Officers Elaine Gibson and Claire Hill and
 D PCSO Ewa Gunter. Via Ewa Gunter, who acted as an interpreter, I cautioned the owner of the business, Mariola Kudera and her husband, Jack Kudera. I explained that a test purchase of non-compliant cigarettes had been made at the store. I issued a PACE Code B notice and conducted a search of the
 E premises. Mr Kudera emptied the pockets of his jacket and handed over 6 packets of L&M Blue cigarettes, 6 packets of L&M Red cigarettes and 7 packs of Amber Leaf tobacco, which I produce as Exhibit LDM/1. He subsequently handed over a further 6 packets of Marlboro cigarettes and 4 packets of L&M Blue cigarettes, which he produced from his jacket pockets. I produce these as Exhibit LDM/2.

Signature:



INVESTOR IN PEOPLE

BY: LUCAS MARSHALL

A The cigarettes and tobacco were not labelled in accordance with the Tobacco Products
(Manufacture, Presentation and Sale)(Safety) Regulations 2002 (as amended), with regard to
health and pictorial warnings. I further searched the premises and found 73 bottles of vodka in
the storeroom which were not UK duty paid, namely 31 bottles of Czysa Vodka, 12 bottles of
B Palace Vodka, 10 bottles of Wodka Zoladkowa Gorzka (orange), 2 Wodka Zoladkowa Gorzka
(green), 5 bottles of Zubrowka Bison Grass Vodka, 5 bottles of Lubelska Vodka and 8 bottles of
Wyborowa Vodka. I took these as food samples, reference 012115-012121 respectively. Mr
C Kudera admitted that the cigarettes were in his possession for sale. He claimed that he had paid
£30 for 200 packs of cigarettes. He said he didn't know the identity of the seller, but that it was
a Polish person that turned up at Marias on a bicycle. Mrs Kudera said that she knew that her
husband was selling cigarettes. Regarding the vodka Mrs Kudera claimed that it was not
intended for sale from the shop, and that it was going to be used at her son's wedding in
D September. On 1st March 2011 I conducted a recorded interview with Mariola Kudera in
accordance with the Police and Criminal Evidence Act 1984 and associated Codes of Practice.
The interview was conducted in the interview room at Trading Standards Service, 7 Civic Centre
Road, Southampton. I produce a copy of the interview CD as Exhibit LDM/3.

E Signature: |

F

G

ST1(2)HQ

TRADING STANDARDS SERVICE WITNESS STATEMENT

C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2010 (Rule 27)

STATEMENT OF: **ANIA KINNROSS**

AGE IF UNDER 18: **OVER 18**

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 10 day of March 2011 Signature:

..... being unable to read the statement,
I..... of

.....read it to him/her before he/she signed it.
Dated the day of 2011 Signature:

A My name is Ania Kinnross. On 14 February 2011 I was involved in a cigarette test purchase exercise
with Southampton City Council Trading Standards. At 15.40, at the request of Trading Standards
B Officer, Lucas Marshall, I entered a shop called Maria, in Shirley Road, Southampton. There was a man
behind the counter. He was white, late 40s/early50s, tall, with short hair, glasses and bad teeth. I
C believe he was Polish. I asked him, in Polish, whether he sold L&M cigarettes. He asked me whether I
wanted Polish ones or cheap ones. He said that the cheap ones were Swiss Duty free cigarettes and
D were £3.50 a packet and the Polish ones were £4.20. I bought two packets of the cheaper L&M
cigarettes and paid him £7. The man asked me to hide the cigarettes as I left. I gave the cigarettes,
E which I produce as Exhibit AK/2, to Lucas Marshall immediately after leaving the store.

D Signature:

E



History of Trading Standards visits and actions relating to smuggled goods at Maria, 192A Shirley Road, Southampton

20/05/08 Trading Standards Service received an allegation that a 14 year old girl purchased smuggled polish cigarettes for £2.50 from Maria. She had been offered UK Marlboro for £6.00 or Polish Marlboro at £2.50. The girl's father, the complainant, then went to the shop and asked for cigarettes. The female behind the counter asked whether he wanted Polish cigarettes, and gave him a pack of Polish Marlboro. He then challenged them over selling cigarettes to his daughter: the seller suddenly could not speak English. The complainant alleged that the shop will now only sell illegal cigarettes to Polish persons.

22/05/08 An under age test purchase of alcohol was attempted at the store, however the male behind the counter asked the volunteer whether he was English: when he confirmed that he was the sale was refused.

28/05/08 Fair Trading Officer LID accompanied a child to Maria, as part of an under age cigarettes test purchase operation, however no cigarettes were displayed for sale.

04/06/08 Fair Trading Officer KM made an unannounced visit to Maria. She tried to purchase some cigarettes, however the man behind the counter said that they did not have any.

12/06/08 Trading Standards Officer LDM made an announced visit to Maria. LDM Issued a Pace Code B notice to person who introduced himself as the owner of the business, Jack Kudera. LDM Searched underneath the counter and found 17x20 packs of smuggled Polish L&M brand cigarettes, which he seized. Jack Kudera stated that Sylvia Chamera, the Premises Licence Holder and DPS at Maria is not connected to the business now, however they were still selling alcohol. LDM reported this matter to the Council's Licensing Department.

13/06/08 LDM sent a warning letter to trader regarding sale of illegal cigarettes.

31/07/08 LDM revisited Maria and searched for illegal cigarettes, however none were found.

23/11/09 LDM visited Maria and found 11 packets of smuggled L & M brand Polish labelled cigarettes, which he seized.

25/11/09 Letter sent to Mariola Kudera, stating that it is an offence to sell illegal cigarettes and inviting her to attend an audio recorded interview regarding the alleged offences relating to illegal cigarettes.

3/12/09 LDM visited Maria as there had been no response to the letter. Appointment made for interview for 10/12/09. Whilst at the premises LDM noticed for sale on the top shelf smuggled Polish vodka, including, Soplica Vodka Szachetna Polska and Czysta-De Luxe ZolaDkowa Gorzka. LDM took samples and advised trader to remove the remaining products from shelf, and that they could not be sold.

10/12/09 Mariola Kudera attended audio recorded interview, during which LDM gave advice re. sale of smuggled goods.

14/12/09 Letter sent to Mariola Kudera inviting her to accept a Simple Caution regarding the offences.

15/12/09 Meeting regarding Simple Caution arranged with Mariola Kudera for 5/1/10. Arranged for an interpreter to be present.

5/1/10 Mariola Kudera failed to attend the meeting.

5/1/10 Visited Maria to arrange a further appointment with Mariola Kudera for 26/1/10.

26/1/10 Mariola Kudera attended office with interpreter and accepted the Simple Caution. LDM gave advice to Mariola Kudera re. sale of smuggled goods.

14/02/11 test purchase of two packets of smuggled cigarettes made at Maria using a Polish speaking person as part of a project on illegal tobacco products.

15/02/11 LDM visited the store with Polish PCSO EG and seized 29 packs of illegal cigarettes. Mr and Mrs Kudera admitted that they were for sale. Mr Kudera said that he would not have sold those test purchased the previous day to a non Polish person. 73 bottles of smuggled vodka were found in the shop's storeroom, which LDM took.

16/02/11 LDM wrote to Mariola Kudera inviting her to attend office for audio recorded interview regarding the alleged offences.

1/03/11 LDM interviewed Mariola Kudera

Caution

OUR CASE REFERENCE: 09/02115

CRW CASE REFERENCE:

OFFENDER'S SURNAME: Kudera

FORNAMES: Mariola

OCCUPATION: Shop owner

HOME ADDRESS: 192 Shirley Road
Southampton
SO15 3FN

DATE OF BIRTH: 10.2.62

BUSINESS NAME: Maria

OFFICER: Claire Hill

DATE OF OFFENCE: 23.11.09

PLACE OF OFFENCE: Maria, 192 Shirley Road, Southampton SO15 3FN

BRIEF CIRCUMSTANCES OF OFFENCE:-

That you, Mariola Kudera, on 23rd November 2009 at Maria, 192 Shirley Road, Southampton. Did have in your possession for sale 11 packets of L & M cigarettes, which were not labelled with the health warnings as prescribed by the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002, thereby constituting offences under Section 12 of the Consumer Protection Act 1987.

LEGISLATION Tobacco Products (Manufacture, Presentation and Sale)(Safety) Regulations 2002

Section 12, Consumer Protection Act 1987

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

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

G:\Trading Standards\ADMIN Correspondence Files\Claire\2009\Marias\Simple Caution Mariola Kudera.doc

employer information about this simple caution. (CRB checks are needed for nearly all jobs where you work with children or vulnerable adults, as well as for other sensitive jobs involving a high level of trust.)

- 8 I understand that accepting this simple caution may mean that some countries will not allow me to live there permanently, and some may not allow me to visit (for example, on business, for a holiday or as a student).

Declaration

I have read and understand all this information

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

Name KWDERIA MARIOLA Signed _____

(Block Capitals)

Dated this 26 day JANUARY 2010

Name C. M. RUSSELL Signed _____

Authorised on behalf of Southampton City Council

Dated this 26 day JANUARY 2010

Store selling smuggled booze stripped of licence

Jan 19 2011 By Jack Griffith

HAYES Superstore has had its alcohol licence revoked following a series of run-ins with trading standards and the police.

The owners of the Station Road shop, brothers Harcharan and Manmohan Singh, came before a licensing committee at the Civic Centre this morning (19), to find out whether they would be stripped of their right to sell booze.

The committee had the power to suspend the licence temporarily, or impose conditions on their current one, but they decided to take a hard line stance in light of the overwhelming evidence stacked against them.

Calls to review the licence of the convenience store came after a string of breaches dating back to 2006.

The latest, in April of last year, saw the seizure of 47 bottles of non duty-paid spirits, as well as a small haul of fake designer watches which, according to the owners, was left by a customer in 2007 and were not for sale.

Previous offences included the sale of alcohol to under 18s, a lack of CCTV security, and the sale of non-duty cigarettes not bearing the statutory health warnings.

Hillingdon's Licensing Sergeant Ian Meens said: "The store has a prominent position in Hayes and operates in a fairly tough area, and because of this it requires a strong and law-abiding supervisor who can responsibly run it.

"The shop is making more of a profit by selling goods of this nature, and the owners are taking advantage of customers in Hayes by selling discounted substandard products to people who think that they are getting a bargain."

Councillor Michael Bull, chairman of the sub committee, said at the conclusion of the meeting: "A premises licence is not a right, and shouldn't be viewed as a burden by shopkeepers.

"The Designated Premises Supervisor (DPS) at the shop should be able to demonstrate the relevant licensing knowledge in line with the law.

"Revocation is the only way to deal with the problems that have come to light in this review."

Surinder Panchal, a representative for the Singhs, said that the sale of alcohol accounted for nearly half of their trade, and having the licence withdrawn would have severe implications for the business.

They have 21 days to appeal against the ruling.

What do you think of the decision? Email jackgriffith@trinitysouth.co.uk

News Guardian

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Pub stripped of licence over sale of bootleg booze

Published on Friday 10 December 2010 08:22

A pub has had its licence revoked after it was caught selling bootleg booze.

Camperdown's Grey Horse Inn has had its licence taken off it for selling vodka and wine without paying excise duty, cheating the taxman out of more than £2,000.

Customers at the pub were innocently buying the bootleg booze the bar without realising that duty had not been paid, enabling licensee Alan Gibson to pocket inflated profits.

Killingworth's neighbourhood policing team and revenue and customs officers seized 77 litres of Aros Italian vodka and 72 litres of wine, also from Italy, during a raid on the Front Street pub in September.

Police carried out the operation as part of Operation Goliath, an initiative to tackle crime and disorder by stepping up patrols in Dudley, Burradon, Annitsford, Killingworth and Camperdown.

North Tyneside Council's licensing committee revoked the pub's premises licence at a hearing on Tuesday.

Inspector Paul Young, of the Killingworth neighbourhood policing team, said: "Licensees must take their responsibilities seriously and work within the law.

"Selling alcohol which had not had the excise paid is a clear breach of their role, and any individual who is caught doing this must suffer the consequences to their livelihood.

"This licence revocation is a real penalty, and we believe it will remind other licensed premises of the importance of working within the law

"We have a good relationship with the vast majority of our licensed premises through our regular visits, and we will continue to carry out these types of operations when necessary.

"Neighbourhood officers work closely with our communities to deal with the issues that they identify

"This operation was the result of information being passed to us, and we want to remind people that we do take their concerns seriously and will always act on information provided, wherever possible."

A spokesman for HM Revenue and Customs added: "We will continue to work in partnership with the police and licensing officials to help stamp out the sale and supply of illegal alcohol.

"We want to take this opportunity to remind licensees that the sale of duty-free beers, wines and spirits is illegal and, as has been shown in this case, it can lead to the loss of your licence or even leave you facing a criminal prosecution."

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New warning on counterfeit sales

- By John Harrington
- 06/01/2011 12:35

Pubs have been given a fresh warning about the dangers of selling smuggled alcohol after 11 shops had their licences revoked or suspended en masse for the offence.



Police: targeting illicit alcohol with HMRC

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HM Revenue & Customs is working with local trading standards and police to force licence reviews at premises that are selling alcohol where duty and VAT has not been paid.

Last month the Morning Advertiser reported that a pub in Camperdown, North Tyneside had its licence revoked after being found to be selling vodka and wine without paying duty.

The Grey Horse Inn was targeted by police who confiscated 77 litres of Aros Italian vodka and 72 litres of Italian wine.

Eleven off-licences and convenience stores in the Thanet area of Kent faced licence reviews over the past couple of weeks for the offence.

Four of the premises have now had their licences revoked and seven had theirs suspended for 14 or 21 days.

Breaches of section 144 of the Licensing Act, which relates to sales of smuggled goods, were cited.

In some cases, tax evasion was given as a reason, as well as the sale of counterfeit goods and spirits that included forged "duty paid" labels.

Morning Advertiser legal editor Peter Coulson said: "HMRC has begun to target licensed premises in several parts of the country recently through the review process.

"Although they are not responsible authorities themselves, they are linking with trading standards or the police to bring review proceedings leading to suspension of the licence or in serious cases revocation when contraband or non-duty paid goods are found."

"Licensees should be warned that dealing with suspect alcohol in this way can lead to the loss of the licence."

Last month 20 men were arrested and bailed in an estimated £50m excise duty and VAT fraud linked to the abuse of the international bonded warehouse system.

It is suspected that alcohol, bought duty-free and said to be destined for markets in the European Union, was smuggled into the UK without paying excise duty and VAT.

The men were arrested by HMRC criminal investigators during raids on 12 commercial and 17 domestic premises across the South East and the Midlands.

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