

## Licensing Act 2003

### Responsible Authority Representation Form

<b>Responsible Authority</b>	Environmental Health (Health & Safety)
<b>Location</b>	Civic Office, Waterdale, Doncaster, DN1 3BU
<b>Officer Details</b>	Name: Michael Griffiths Job title: Snr Environmental Health Officer Tel: 07768602797 Email: Michael.griffiths@doncaster.gov.uk

Application Details	
<b>Our Reference</b>	WK/217003322 / PI/000184437
<b>Address of Premises</b>	Bargain Beers, 248 Balby Road, Balby, Doncaster, DN4 0QH
<b>Type of Application</b>	Review: Premises Licence LN/201400436

Details of Representation	
<p>On the 24<sup>th</sup> November 2016 I visited Bargain Beers to carry out a general advisory visit with regard to illicit alcohol. During the visit the DPS, Mr Kulwinder Singh Wadhwa was present and I strongly advised him not to become involved in the illicit alcohol trade given the serious issues I had found in the district over recent months.</p> <p>Between the 24<sup>th</sup> November 2016 and the 17<sup>th</sup> February 2017 I had been advised by HMRC that two illicit traders were possibly supplying illicit alcohol in mass to off licence across South Yorkshire. The two companies had both been refused "Alcohol Wholesale Register Scheme" numbers due to a lack of due diligence by the companies and were in fact both owned by the same man and were acting illegally if alcohol was sold by them. The HMRC official stated that alcohol from these two premises, both possibly situated in Sheffield, would be classified as "smuggled" as they were not eligible to pay duty due to refusal of the new AWRS system. HMRC investigations are still on going.</p> <p>On the 17<sup>th</sup> February 2017 I visited Bargain Beers again to advise the owner that he was in fact purchasing alcohol from illegal sources and should remove all effected alcohol from sale. In total 24 brands of foreign imported and labelled alcohol was on sale. Mr Kulwinder Singh Wadhwa was present and as part of my investigation I asked to review the CCTV footage to obtain the illicit traders vehicle details to pass onto HMRC. Unfortunately Mr Wadhwa was unable to work the CCTV and stated he was not trained in its use. I advised him to contact the previous owner regarding the CCTV or contact an engineer immediately.</p> <p>On the 8<sup>th</sup> March 2017 I visited Bargain Beers again with my colleague, Alcohol and Tobacco Control Officer, Mr Greg Bristol to execute a warrant relating to illicit tobacco sales and to ensure there was no illicit alcohol on site. During the visit a</p>	

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Business Safety & Licensing, Civic Office, Waterdale, Doncaster, DN1 3BU

large quantity of illicit tobacco was found in Mr Wadhwa's vehicle parked outside. Also approximately half the illicit alcohol that had been seen on the 17<sup>th</sup> February was still in the store room only a few metres from the shops chilled display cabinets. Mr Wadhwa stated he was confused by the term "remove the alcohol from the premises" and thought that keeping it in the rear of the shop was satisfactory. When I asked where the other half of the stock was, he refused to answer. The alcohol was disposed of by Mr Wadhwa reluctantly during the visit. Unfortunately the CCTV was still not available to be reviewed and Mr Wadhwa had made no attempt to contact an engineer.

Kulwinder Singh Wadhwa was in possession of illegal smuggled alcohol and did not dispose of the alcohol, even after he had specifically been told to remove the alcohol from the premises, as it was a distinct breach of his alcohol licence to store smuggled goods on site.

Kulwinder Singh Wadhwa was unable to review the CCTV on two separate occasions after an authorised officer had requested to view the footage.

The sale of illegal alcohol is a crime and undermines public safety:

Storing and selling smuggled alcohol is a crime as no duty has been paid to HMRC and is a breach of the Licensing Act 2003, Section 144.

Storing and selling smuggled alcohol is a crime as it cannot be traced to the original seller in the UK. If the product had to be recalled for safety reasons the suppliers would not be able to trace the original products. This is a breach of The General Food Regulations 2004

Storing and selling smuggled foreign labelled alcohol is a crime as the products are labelled in a foreign language and cannot be understood by the purchasers. This is a breach of The Food Information Regulations 2014.

**Please note that representations should be confined to matters which are about the likely effect of the grant of the licence on the promotion of the licensing objectives. In the case of a variation they must be confined only to the matters being varied.**

**This representation will be disclosed to the applicant and will form part of public documents should the matter proceed to a hearing. You are respectfully requested to consider the requirements of the Data Protection Act and ensure you have obtained the permission, where required, of any person whose personal details are included in your representation.**

<b>Date Submitted</b>	<b><u>30<sup>th</sup> May 2017</u></b>
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