

## NOTICE OF MEETING

MEETING:	<b>LICENSING ACT 2003 SUB-COMMITTEE</b>
DATE:	<b>WEDNESDAY 5 OCTOBER 2011</b>
TIME:	<b>9.30 am</b>
VENUE:	<b>VIERSEN ROOM - TOWN HALL</b>
CONTACT:	<i>Gemma George; Senior Governance Officer</i> <i>Telephone: 01733 452268</i> <i>e-mail address: gemma.george@peterborough.gov.uk</i>
Despatch date:	<i>27 September 2011</i>

### AGENDA

	PAGE NO
1. Apologies for Absence	
2. Declarations of Interest	
3. Yummy Fish and Chip Shop Review, Background to Hearing Arrangements	1 - 4
4. Application for Review of Premises Licence Yummy Fish and Chips, 106 Dogsthorpe Road, Peterborough, PE1 3AL	5 - 138



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

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<b>LICENSING ACT 2003 SUB-COMMITTEE</b>	<b>AGENDA ITEM No. 3</b>
<b>5 OCTOBER 2011</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Insert name and portfolio of Cabinet Member(s)	
Contact Officer(s):	Deputy Monitoring Officer	Tel. 452361

**YUMMY FISH AND CHIP SHOP REVIEW, BACKGROUND TO HEARING ARRANGEMENTS**

R E C O M M E N D A T I O N S	
<b>FROM :</b> <i>Deputy Monitoring Officer</i>	<b>Deadline date :</b> <i>none</i>
That the Sub-Committee:	
1. <i>Note the reasons for delay in hearing the licensing application.</i>	

**1. ORIGIN OF REPORT**

1.1 This brief report is submitted to the Sub-Committee as explanation for the changed listing of this matter.

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 Licensing applications are listed in accordance with the Licensing Act (Hearings) Regulations 2003. That requires notice of hearing to be given 10 days prior to the hearing of a review
- 2.2 Notice of a review application of Mr Wong's license for the Yummy Fish & Chip Shop was originally given on the 13 September 2011 for hearing to take place on the 28 September 2011. Accordingly the papers would have been issued into the public domain on the 20 September 2011 (Tuesday).
- 2.3 On the 15 September (Thursday) the Deputy Monitoring Officer received a confidential complaint regarding documentary evidence in the case which was serious and required to be investigated. By the 20 September, the deadline for issuing papers, those investigations were not concluded and therefore the Deputy Monitoring Officer took the decision that the papers should not be issued into the public domain whilst they were the subject of a confidential complaint still under review.
- 2.4 That decision was based upon a calculation that the matter, if it were to proceed following the investigation, could be heard at any time prior to the 5 October to comply with the Regulations.
- 2.5 Investigations were concluded on the 22 September and the file closed with no further action required. Accordingly I wrote to the complainant advising that the complaint was closed and asked the Democratic Services team to re-list the matter prior to the 5 October.
- 2.6 On the 23 September I spoke to Mr Wong to explain the delay and offered to re-list the hearing for any date prior to the 5 October. I explained to Mr Wong that if the dates offered were not convenient we could request an adjournment to a later date but that the Regulations required that the matter be listed for initial consideration prior to the 5 October. In a later telephone conversation that same day we agreed either the 3 or 5 October as the new date for the hearing.

2.7 On the 26 September a letter (Appendix A) was sent out to all parties advising them of the re-listed date of 5 October.

### **3. IMPLICATIONS**

3.1 As stated the Licensing Act (Hearings) Regulations 2003 require this matter to come before the Sub-Committee on or before the 5 October 2011.

3.2 Whilst a delay in this matter was unfortunate, it was considered necessary given the confidential complaint made during the preparation period for the hearing.

3.3 The decision to re-list the hearing also took into account that no prejudice to Mr Wong's commercial interests arose from the delay as he remains able to trade under the licence until this matter is concluded by the Licensing Sub-Committee.

### **4. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

*None as the complaint to the DMO.*

Telephone: (01733) 452268  
Facsimile: (01733) 452483  
Please ask for: Gemma George  
E-mail: gemma.george@peterborough.gov.uk

## APPENDIX A

CHIEF EXECUTIVE'S DEPARTMENT

Town Hall  
Peterborough  
PE1 1HG  
DX 12310 Peterborough 1  
Telephone: (01733) 747474

FAO \*\*\*\*\*

26 September 2011

Dear \*\*\*\*\*,

### Hearing - Change of Details

#### Licensing Act 2003

<b>Application for:</b>	<b>Review of Premises Licence</b>
<b>Applicant:</b>	<b>Peterborough City Council, Trading Standards Department</b>
<b>Name of Premises:</b>	<b>Yummy Fish &amp; Chips, 106 Dogsthorpe Road, Peterborough, PE1 3AL</b>

I am writing to advise you that the date for the hearing arising from a review application under the Licensing Act 2003 has changed. The new arrangements are as follows:

Date: Wednesday, 5 October 2011  
Time: 9.30am  
Venue: Viersen Room, Town Hall, Bridge Street, Peterborough

The authority may dispense with a hearing if all persons required by the Act agree. If you consider the hearing to be unnecessary, please contact the Licensing Officer (Terri Martin) on 453561 as soon as possible.

Yours sincerely

**Gemma George**  
**Senior Governance Officer**

Chief Executive: Gillian Beasley

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<b>LICENSING ACT 2003 SUB-COMMITTEE</b>		<b>AGENDA ITEM No. 4</b>
<b>5 OCTOBER 2011</b>		<b>PUBLIC REPORT</b>
Contact Officers:	Adrian Day, Licensing Manager Terri Martin, Regulatory Officer Licensing	Tel: 454437 Tel. 453561

**APPLICATION:** Review of Premises Licence

**PREMISES:** Yummy Fish and Chips, 106 Dogsthorpe Road, Peterborough, PE1 3AL

**REFERENCE NUMBER:** MAU 061816

**GLOSSARY OF TERMS:** Attached at **Appendix A – Page 8**

**1. PURPOSE OF REPORT**

1.1 To consider and determine an application for a review of a Premises Licence under Section 51 of the Licensing Act 2003 for the above premises, taking into account the representation made by Trading Standards in their capacity as a Responsible Authority, and letter of support of the review and recommendations from Cambridgeshire Constabulary also a Responsible Authority. Thirteen (13) letters of support / character references in support of the premises licence holder have also been received. The review was bought under the Prevention of Crime and Disorder objective.

**2. BACKGROUND INFORMATION**

2.1 On the 24 February 2010 an application for a new premises licence was submitted by Mr Warren Wong to allow the off sale of alcohol Monday to Sunday 11.00 to 23.00. As no representations were received the licence was granted 24 March 2010. A copy of this current licence is attached at **Appendix B – Page 11**.

**3. APPLICATION**

3.1 In accordance with section 51 of the Licensing Act 2003 following the submission of an application to review the premises licence from Trading Standards, a Responsible Authority, the licensing authority must hold a hearing.

3.2 A copy of the application to review was received 10 August 2011, a copy of this application is attached at **Appendix C – Page 19**.

3.3 A further five supplementary witness statements from HMRC have been received, these are attached at **Appendix D – Page 27**.

3.4 A detailed summary of the operation undertaken by Trading Standards in conjunction with Her Majesty's Revenue and Customs (HMRC) is attached at **Appendix E – Page 35**.

- 3.4 A copy of the 'Notice' that was displayed on the premises in accordance with Part 5 no. 38 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 is attached at **Appendix F – Page 41**.
- 3.5 A representation in support of the review and recommendations was received from Cambridgeshire Constabulary as a Responsible Authority, a copy of this representation is attached at **Appendix G – Page 43**.
- 3.6 No other representations have been received from any of the remaining Responsible Authorities.

#### 4. RESPONSIBLE AUTHORITY

LICENSING OBJECTIVE:	REPRESENTATIVE:
Prevention of Crime and Disorder	<p><b>Responsible Authority:</b> Trading Standards</p> <p>As per the application for review attached at <b>Appendix C – Page 19</b>.</p> <p><b>Responsible Authority:</b> Cambridgeshire Constabulary attached at <b>Appendix G – Page 43</b>.</p> <p><i>To comply with the Data Protection Act all letters have been distributed to Committee Members and the applicant, but are not for public circulation</i></p>

#### 4.1 Summary of issues raised by Responsible Authorities

- i. HMRC have seized alleged non UK duty paid alcohol and tobacco products from the premises on 20 April 2011
- ii. The premises have failed to provide documentation for the seized products to prove UK duty had been paid.
- iii. The UK Duty evaded for the alcohol products was £1832.43 and £1468.01 for the tobacco products, totalling £3300.44
- iv. Guidance issued under section 182 of the Licensing Act 2003 recommends revocation, even in the first instance.

#### 5. CHARACTER REFERENCES / LETTERS OF SUPPORT FOR THE PREMISES LICENCE HOLDER

- 5.1 Thirteen (13) letters of support / character references have been received containing fifteen (15) signatures from customers, Councillors, a member of staff, and trade bodies. These letters of support are attached at **Appendix H – Page 45**.
- 5.2 Further documents have been received from Councillor Goldspink in the form of a defence submission on behalf of Mr Wong and a number of attached annexes. These documents are attached at **Appendix I – Page 79**.

#### 6. LICENSING OFFICERS COMMENTS

- 6.1 Section 11.23 of Guidance (issued under section 182) states, 'A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issues. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual, but to ensure that the crime prevention objective is promoted.'



- 6.2 Members should note that the letters attached are in their entirety and that not all matters raised within the representations are relevant matters for consideration under the Licensing Act 2003. It is up to the Committee to decide upon what 'weight' they attach to these areas.
- 6.3 Regulation 19 requires authorities to disregard any information given by a party or person that is "not relevant" to the application.

## **7. POLICY & GUIDANCE IMPLICATIONS**

7.1 The following sections/paragraphs are applicable to this application:

### **7.2 Council's Statement of Licensing Policy**

- Objectives: *section 4 on Page 5*
- Other Legislation: *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

### **7.3 Guidance Issued under Section 182 of the Licensing Act 2003 (October 2010)**

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

## **8. LEGAL OFFICER'S COMMENTS**

8.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a review of a premises licence following the application by Trading Standards (Responsible Authority) to review the premises licence made under section 51 of the Licensing Act 2003.

8.2 In this case, the application was received at these offices on 10 August 2011.

8.3 The application before this committee will consider –

- (i) The application to review the licence,
- (ii) Any relevant representations

8.4 The committee will take such of the steps as it considers that action is necessary for the promotion of the licensing objectives. The steps are –

- (a) to modify the conditions of the premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor from the licence
- (d) to suspend the licence for a period not exceeding three months, or
- (e) to revoke the licence

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added

8.5 In addition the guidance issued under section 182 of the Licensing Act 2003 states:

'The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. But, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvements – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

**‘Child’**

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

**DCMS:** Department for Culture Media and Sport

**‘Designated Premises Supervisor’** means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

**‘Interested parties’:**

- a person living in the vicinity of the premises in question;
- a body representing persons living in that vicinity, e.g. a residents association;
- a person involved in a business in the vicinity of the premises in question;
- a body representing persons involved in such a business e.g. a trade association
- a member of the relevant licensing authority.

**‘Late Night Refreshment’** means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

**‘Licensable Activities’** means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

**‘Licensing Authority’:** - is the licensing function of Peterborough City Council

**‘Licensed Premises’** includes club premises and events unless the context otherwise requires.

**‘Licensing Objectives’**

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

**‘Operating Schedule’** means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises

- The steps being taken to promote the Licensing Objectives

**‘Rateable Value’:** as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

**‘Regulated Entertainment’** (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

**Or** the provision of entertainment facilities:

Facilities for enabling persons to take part in entertainment of the following description for the purpose or purposes, which include the purpose of being entertained:

- making music
- dancing
- entertainment of a similar description

**‘Relevant Licensing Authority’:** is the Authority in the area the premises are situated.

**‘Responsible Authority’** means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children’s Services – Child Protection & Review Manager
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

**‘Supply of alcohol’:**

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

**‘Temporary Event Notice’** means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 96 hours;
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used; and

- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year, and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

**‘the Act’**: means the Licensing Act 2003

**‘Vicinity’**: Given the normal everyday meaning of being ‘near to’ when considering the relevance of representations received from individual’s residence or business.

Licensing Act 2003\glossary of terms 13 March 2007

**PART A**

**Premises Licence**

**Peterborough City Council, Environmental Services,  
 Bridge House, Town Bridge, Peterborough, PE1 1HU**

**Premises Licence Number**

058716

**Part 1 - Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Yummy Fish & Chips  
 106 Dogsthorpe Road

**Post Town** Peterborough

**Post Code** PE1 3AL

**Telephone Number** 01733 892287

**Where the licence is time limited the dates**

Start Date N/A  
 End Date N/A

**Licensable activities authorised by the licence**

**Sale by retail of alcohol**

The supply of alcohol will be for consumption off the premises.

**The times the licence authorises the carrying out of licensable activities**

**Sale by Retail of Alcohol**

Monday to Sunday Between 11.00hrs and 23.00hrs

**The opening hours of the premises**

Monday to Sunday Between 11.00hrs and 23.00hrs

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

The supply of alcohol will be for consumption off the premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Warren Wong  
Peterborough

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mrs Kin-Ling Wong  
Peterborough

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence Number	058708
Issuing Authority	Peterborough City Council

## **Annex 1 - Mandatory conditions**

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

### **Supply of alcohol (Premises Licence)**

This registration authorises the supply of alcohol subject to the following conditions:

1. No supply of alcohol may be made at a time when
  - (a) there is no designated premises supervisor in respect of the premises licence, or
  - (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

## **Annex 2 - Conditions consistent with the Operating Schedule**

### **Prevention of Crime and Disorder**

3. Digital images shall be retained for a minimum of 31 days and shall be produced to an authorised officer on demand.
4. Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
5. An authorised person will be available at all times on the premises to show CCTV images immediately or to an authorised officer on demand.
6. CCTV images will be clear and comprehensible.
7. Alcoholic drinks shall not be consumed on the premises.

### **Public Safety**

8. A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.
9. Notices in relation to public health & safety will be displayed at the premises.
10. The DPS will ensure that the premises will be operated in line with The Health & Safety Act and any environmental health issues will be the responsibility of both the licence holder for the premises and the DPS.

### **Prevention of Public Nuisance**

11. The premises will only accept trade deliveries or rubbish collections during normal working hours.
12. The DPS will monitor the exterior of the premises to ensure litter is kept to a minimum.

### **The Protection of Children from Harm**

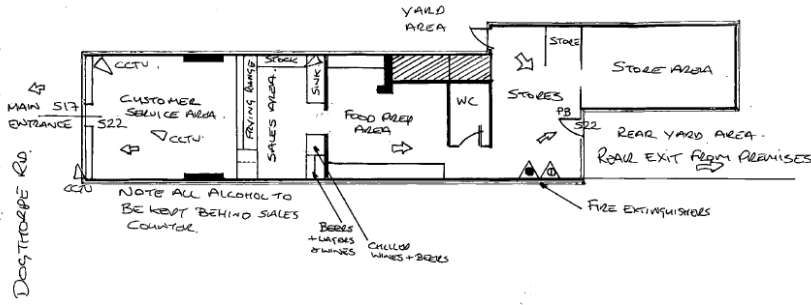
13. The DPS will be responsible for ensuring that all staff working within the premises will be fully trained and aware of the Challenge 21 rule.
14. The premises will keep a refusals register and all refusals by any member of staff shall be recorded and the record will be available for inspection upon request from an authorized officer.
15. The 'Challenge 21' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises.
16. Signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 21' initiative.



**Annex 3 - Conditions attached after a hearing by the licensing authority**

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# Annex 4 – Plans



Yummy Fish & Chips  
 106 DOGSTHORPE ROAD  
 PETERBOROUGH  
 PE1 3AL

SCALE 1:100

CLIENT: MRS WONG

DATE: 16/02/2010

DRAWN BY: D.W.C.

FIRE EQUIPMENT	
▲	CO2 FIRE EXTINGUISHER
▲	FOAM FIRE EXTINGUISHER
S22	FIRE EXIT SIGNS
S17	MAIN EXIT OPEN DURING TRADE HOURS
⇒	FIRE EXIT ROUTES
SECURITY	
▷	3 INTERNAL CCTV CAMERAS
	1 EXTERNAL CCTV CAMERA
	31 DAY DIGITAL RECORDING SYSTEM

**PART B**

**Premises licence summary**

**Peterborough City Council, Licensing Section,  
 Bridge House, Town Bridge, Peterborough, PE1 1HU**

**Premises Licence Number**

058716

**Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Yummy Fish & Chips  
 106 Dogsthorpe Road

**Post Town** Peterborough

**Post Code** PE1 3AL

**Telephone Number** 01733 892287

**Where the licence is time limited the dates**

Start Date N/A  
 End Date N/A

**Licensable activities authorised by the licence**

**Sale by retail of alcohol**

The supply of alcohol will be for consumption off the premises.

**The times the licence authorises the carrying out of licensable activities**

**Sale by Retail of Alcohol**

Monday to Sunday Between 11.00hrs and 23.00hrs

**The opening hours of the premises**

Monday to Sunday Between 11.00hrs and 23.00hrs

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

The supply of alcohol will be for consumption off the premises.

**Name, (registered) address of holder of premises licence**

Mr Warren Wong  
 Peterborough

**Registered number of holder, for example company number, charity number (where applicable)**

T/A

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mrs Kin-Ling Wong

**State whether access to the premises by children is restricted or prohibited**

Restricted

**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.

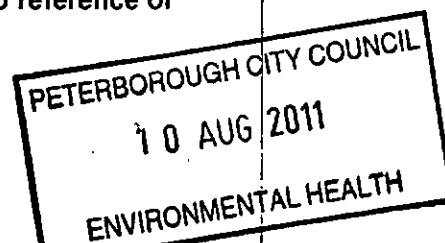
I Karen Woods

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Yummy Fish & Chips 106 Dogsthorpe Road	
<b>Post town</b> Peterborough	<b>Post code (if known)</b> PE1 3AL



<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Warren Wong
---

<b>Number of premises licence or club premises certificate (if known)</b> 058716
---

**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 Karen Woods Peterborough City Council Trading Standards Department Bridge House Town Bridge Peterborough PE1 1HU
Telephone number (if any) 01733 453407
E-mail address (optional) karen.woods@peterborough.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"/>            |

<p><b>Please state the ground(s) for review</b> (please read guidance note 1)</p> <p>Trading Standards are requesting a review of the premises licence for Yummy Fish &amp; Chips under the prevention of crime and disorder following a joint operation by Trading Standards, HM Revenue &amp; Customs (HMRC) and Cambridgeshire Police to clamp down on the illicit tobacco and alcohol trade.</p>
--

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

On 20<sup>th</sup> April 2011 a joint initiative by Trading Standards, HM Revenue & Customs and Cambridgeshire Police was carried out to clamp down on the illicit tobacco and alcohol trade.

HMRC Officers seized a total of 237 litres Wine , 75.55 litres Spirits (2 Litres of 5 Lakes Vodka, 9.1 Litres Sambuca, 23.1 Litres Perfekta Vodka, 2.1 Litres Nicolaj Vodka, 11.2 Litres Aros Vodka, 14 Litres Kirova Vodka, 1.75 litres High Commissioner Whisky , 1.4 litres Napoleon Brandy, 1.4 litres Luxor Brandy , 9.5 Litres Smirnoff Vodka ) and 573 Litres of Beer, from owners Mr and Mrs Warren Wong as liable to forfeiture by virtue of the Customs & Excise Acts.

A further 3800 Premier King Size Blue Cigarettes and 2.5 kilos Hand Rolling Tobacco ( 2 Kilos Samson and 0.5 Kilos Amber Leaf) were seized from shop worker Angela Gilbride.  
as liable to forfeiture by virtue of the Customs & Excise Acts.

They were satisfied that due to the proprietors inability to produce invoices or receipts to prove duty payment, that United Kingdom Excise Duty had not been paid on said goods.

The revenue due on the seized goods is £ 1832.43 and £ 1468.01  
Total £ 3300.44  
The goods were seized in accordance with section 139 of Customs & Excise Management Act 1979.

No notice of claim against the forfeiture was received within the statutory time limit therefore the Spirits, Wine, Beer, Cigarettes and Tobacco are condemned as forfeited in accordance with paragraph 5 of schedule 3 to the above legislation.

A Witness statement from HMRC is attached as APPENDIX 1 to this review.  
Recommendations;

A revocation of the alcohol licence.

Reasons for the above recommendation;

Trading Standards as a responsible authority recommends revocation due to the seriousness of the illicit trade.

This is supported by guidance issued under section 182 of the Licensing Act 2003 11.26 There is a certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously.

One of them being;  
- for the sale of smuggled tobacco and alcohol.

Guidance states - 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 in 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.



**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

--	--	--	--	--	--	--	--

**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

10th August 2011

Capacity

REGULATORY OFFICER - TRADING STANDARDS

**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.

**WITNESS STATEMENT****ENGLAND AND WALES ONLY**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of:

Age if under 18:

(If over 18 insert 'over 18')

Occupation: H M Revenue and Customs

This statement (consisting of \_\_\_\_\_ 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.

Signature:

Date: 04<sup>th</sup> August 2011

I am an Officer of H M Revenue & Customs based in Haven House, Ipswich, Suffolk, IP4 1DN. In my role as a Law Enforcement Coordinator my duties include being responsible for exchanging information with the Police and other Agencies relating to matters of mutual interest.

I have been asked by Karen Woods, Regulatory Officer in Regulatory Services, Trading Standards Department, to supply details of inspections made by HM Revenue & Customs Officers, on 20th April 2011 at Yummy Fish and Chips 106 Dogsthorpe Road Peterborough, PE1 3AL for the purpose of supporting an action being taken by Peterborough Trading Standards.

I have examined the reports concerning the visit and can confirm that HM Revenue and Customs Officers seized a total of 237 litres Wine , 75.55 litres Spirits (2 Litres of 5 Lakes Vodka, 9.1 Litres Sambuca, 23.1 Litres Perfekta Vodka, 2.1 Litres Nicolaij Vodka, 11.2 Litres Aros Vodka, 14 Litres Kirova Vodka, 1.75 litres High Commissioner Whisky , 1.4 litres Napoleon Brandy, 1.4 litres Luxor Brandy , 9.5 Litres Smirnoff Vodka ) and 573 Litres of Beer, from owners Mr and Mrs Warren Wong as liable to forfeiture by virtue of the Customs & Excise Acts.

A further 3800 Premier King Size Blue Cigarettes and 2.5 kilos Hand Rolling Tobacco ( 2 Kilos Samson and 0.5 Kilos Amber Leaf) were seized from shop worker Angela Gilbride. as liable to forfeiture by virtue of the Customs & Excise Acts.

They were satisfied that due to the proprietors inability to produce invoices or receipts to prove duty payment, that United Kingdom Excise Duty had not been paid on said goods.

The revenue due on the seized goods is £ 1832.43 and £ 1468.01

Total £ 3300.44

The goods were seized in accordance with section 139 of Customs & Excise Management Act 1979.

No notice of claim against the forfeiture was received within the statutory time limit therefore the Spirits, Wine, Beer, Cigarettes and Tobacco are condemned as forfeited in accordance with paragraph 5 of schedule 3 to CEMA.

Date: 4<sup>th</sup> August 2011

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

Page 1 of 1

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**WITNESS STATEMENT**  
**ENGLAND AND WALES ONLY**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: **JEANNETTE ANN KETT**

Age if under 18: 'over 18' (If over 18 insert 'over 18')  
**Customs**

Occupation: **Officer of HM Revenue &**

This statement consisting of 02 pages 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.

Signature: \_\_\_\_\_

Date: 6<sup>th</sup> September 2011

I am an officer of HM Revenue & Customs currently engaged on Criminal Investigations Inland Detection duties and based at Nelson House, Prince of Wales Rd, Norwich in Norfolk. On the 20<sup>th</sup> April 2011 whilst on duty in Peterborough, Cambridgeshire, together with my colleagues M. Rogers, P. Wright and D. Neve, I entered the premises known as Yummy Fish and Chips at 106 Dogsthorpe Road for the purposes of a Customs and Excise Management Act 1979 (CEMA '79) section 112 inspection.

Immediately I could see on shelves behind the counter alcohol for sale. After introducing ourselves to the owner of the shop, a gentleman calling himself Mr Warren WONG giving a date of birth as 15/06/74 and also to the shop assistant, a female calling herself Angela Mary GILBRIDE giving a date of birth as 03/09/58, we began an inspection of the entire business premises finding more alcoholic goods at the rear of the shop together with some non UK duty-paid tobacco goods.

With regards to the alcoholic goods inspected, under section 118B of CEMA '79, invoices were called for in order to determine the duty status of the goods. In respect of the alcoholic goods (as per associated copies) which were detained (and subsequently seized), no invoices were produced. Mr Wong informed me that he had placed a telephone order with a person known as 'Ahmed', a London wholesaler earlier the same week with the goods being delivered to the shop yesterday (19/04/11) by a Polish male in a plain, red van. I was further informed that

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

Page 1 of 3

**WITNESS STATEMENT**

**ENGLAND AND WALES ONLY**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: JEANNETTE ANN KETT

no paperwork had been supplied by either Ahmed or the delivery driver. I therefore detained all items supplied by Ahmed and not supported by an invoice pending production of the relevant invoices by Mr/Mrs Wong. With no invoices forthcoming, I formally seized the alcohol (549.2 litres beer, 234 litres wine and 75.55 litres spirits) from Mr and Mrs Wong on the 20<sup>th</sup> May 2011 under the terms of sections 49(1) and 124 of CEMA '79. Other goods originating from suppliers where supporting invoices were present were left in situ on the premises. With regards to the 3800 Russian cigarettes and 2.5 kgs Belgian hand-rolling tobacco in 2 different brands found by officer Wright at the rear of the shop, Mr Wong informed me that these items belong to the 2 girls who work at the shop and that they can't leave them at home. I then asked Ms Gilbride if she owned any of the tobacco goods. She then claimed the tobacco and about 15 cartons of cigarettes as being her property.

At the end of the lunch time Fish and Chips trading period, I questioned Ms Gilbride further regarding these tobacco goods. In response to my questions, Ms Gilbride stated that all the goods belonged to her: the cigarettes were given to her as a gift by a friend in June 2011 and the tobacco she had personally imported from Belgium in March/April 2010. She further stated that she personally smokes the Amber Leaf and her son and partner the Samson. The cigarettes she does not like. She keeps the goods at the shop to prevent her alcoholic partner selling them to buy drink and did not admit to selling the goods. Due to the circumstances surrounding our find of these goods, I suspected that Ms Gilbride was not holding these goods for her own use and as such I formally seized all the tobacco goods from Ms Gilbride under the same CEMA '79 provisions. At no time were Mr/Mrs Wong implicated in this offence.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

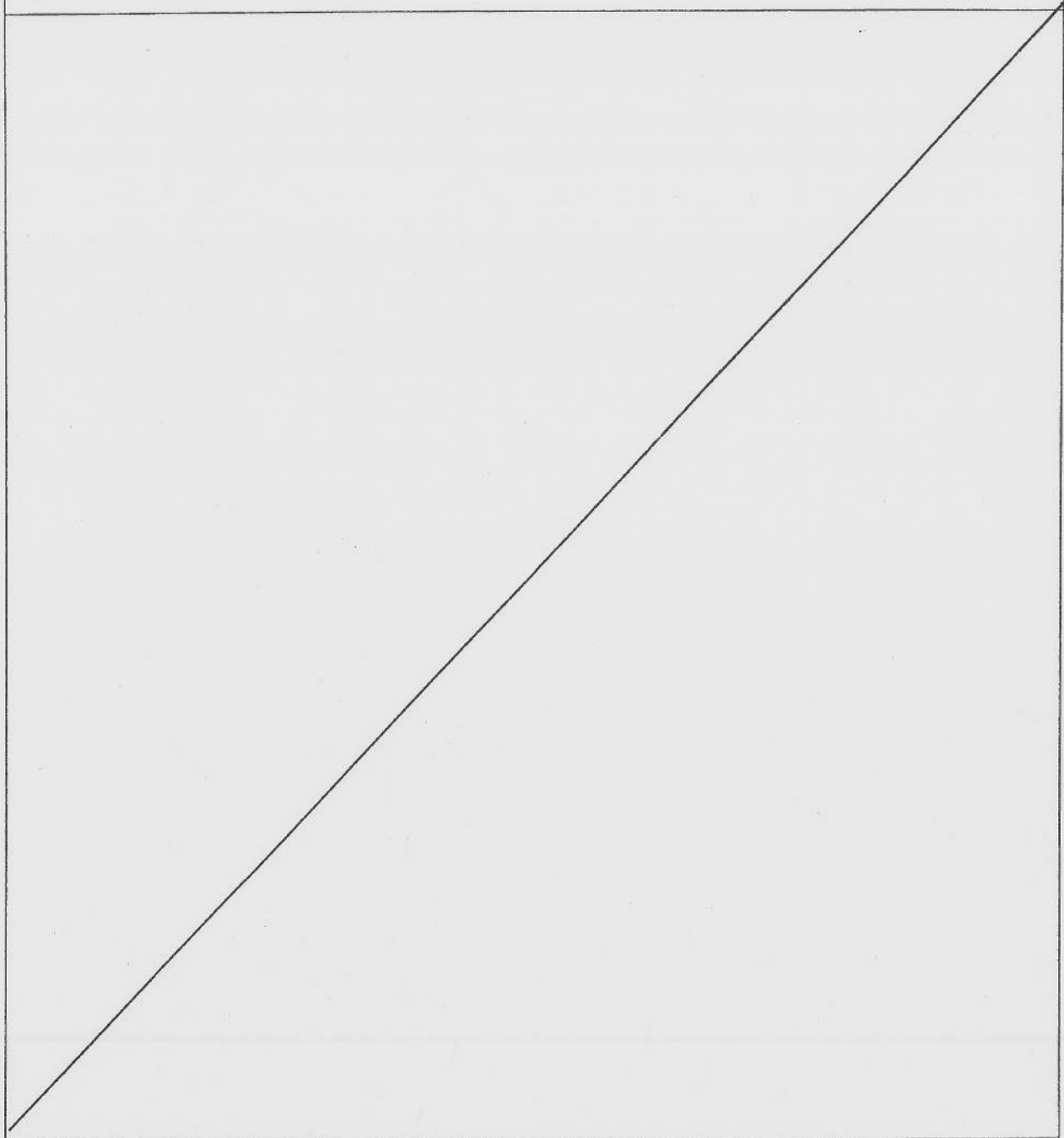
**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

**WITNESS STATEMENT**

**ENGLAND AND WALES ONLY**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: **JEANNETTE ANN KETT**



Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

**WITNESS STATEMENT**

**ENGLAND AND WALES ONLY**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: **Mary Anna Rogers**

Age if under 18: **over 18** (If over 18 insert 'over 18')

Occupation: **Inland Detection Officer**

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.

Signature: \_\_\_\_\_

Date: **07/09/11**

I am **Mary Rogers**, an Officer of HM Revenue and Customs (HMRC) currently stationed at **Spur F, Government Buildings, Beeches Road, Chelmsford, Essex, CM1 2RT**, as a member of the (Criminal Investigations – Inland Detection).

On **20/04/11** at **12:40** hours I was on duty at **Yummy Fish & Chips, 106 Dogsthorpe Road, Peterborough, PE1 3AL** with officers **Jeanette Kett** and **Paul Wright**.

Identification was shown to the people working behind the counter and reason for visit was explained by officer **Kett**. I inspected the rear stock room and found quantities of **Beers, Wines & Spirits**. I tallied and labelled the items which were later collected by our contractors due to lack of invoices.

At **16:25** hours I left the premises.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**



# WITNESS STATEMENT

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: Paul Terence Cumberland

Age if under 18: Over 18 (If over 18 insert 'over 18')  
Customs

Occupation: Higher Officer H M Revenue and

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.

Signature:

Date: 9<sup>th</sup> September 2011

Further to my statement dated 4<sup>th</sup> August 2011 in relation to a visit made by HMRC Officers at Yummy Fish and Chips 106 Dogsthorpe Road Peterborough PE1 3AL.

After reviewing further case documents, I can advise that the total litres of Wine seized was 234 and total litres of Beer seized was 549.2

The Revenue figure remains unchanged as per my original statement.

Date: 9<sup>th</sup> SEPTEMBER

Signature: \_\_\_\_\_  
(signature of witness)

Signature: \_\_\_\_\_  
(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

## WITNESS STATEMENT

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: David NEVE

Age if under 18: **over 18** (If over 18 insert 'over 18')

Occupation: Officer of H M Revenue & Customs

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.

Signature: \_\_\_\_\_

Date: 07/09/2011

I am an Officer of HM Revenue & Customs based at Custom House, Viewpoint Road, Felixstowe IP11 3RF. I have been an officer for 9 years. I currently work on the Road Fuel Testing Unit (RFTU) and my main duties are concerned with the detection of the misuse of hydrocarbon oils. I am also trained to undertake other detection duties.

On Wednesday 20<sup>th</sup> April 2011 I assisted in the inspection of Yummys Fish & Chip, 106 Dogsthorpe Road, Peterborough, PE1 3AL with fellow officers Jeannette KETT, Mary ROGERS and Paul WRIGHT. These officers were from the Inland Detection teams based in Norwich, Chelmsford and Ipswich.

We arrived at the premises at about 12:40 hours and officers KETT, ROGERS and WRIGHT entered the shop to examine it whilst I waited outside in the vehicle.

At about 13:05 hours I entered the premises to assist in the search.

Whilst on site I assisted in sorting and separating stock and identifying goods ready to be removed, this was under direction and guidance of HM Revenue and Customs Officers KETT and ROGERS who kept details in their notebooks.

At about 15:10 the owners stated that they wanted to close the shop so we removed all identified goods out into the back yard ready to be collected.

Date: 7/9/11 \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

**WITNESS STATEMENT**

**ENGLAND AND WALES ONLY**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: David NEVE

At about 16:00 departmental contractors arrived to collect all goods to be removed and the premises were departed at 16:25.

Date: 7/9/11

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

**WITNESS STATEMENT**

**ENGLAND AND WALES ONLY**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70, CP Rules Part 27.1)

Statement of: PAUL EDWARD WRIGHT

Age if under 18: over 18 (If over 18 insert 'over 18') Occupation: ASSISTANT OFFICER OF HM REVENUE AND CUSTOMS

This statement consisting of 1 page 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.

Signature: \_\_\_\_\_

Date: 06/09/2011

I am an Officer of HM Revenue & Customs based in Ipswich engaged in Detection duties.-----

On 20<sup>th</sup> April 2011 at 12:39hrs I arrived at Yummy Fish and Chip Shop, 106 Dogsthorpe Road, Peterborough, PE1 3AL to carry out an inspection of excise goods Alcohol, Cigarettes and-----

Tobacco under the Customs and Excise Management Act 1979 s.112-----

At 12:44hrs I was inspecting the stockroom right at the back of the Chip shop and I found 2---- black carrier bags. Bag one contained 800 Ipermbep Cigarettes and bag two contained 2800-- Ipermbep Cigarettes.-----

At 12:47hrs in the same rear stockroom I found a black carrier bag placed within a white box-- marked Spavin, and found it contained 2Kg Samson tobacco. The pouches had Benelux tax---- stamps on the back.-----

At 12:50hrs in the same rear stockroom I found a white Tesco's carrier bag, which contained 0.500KG of Amberleaf tobacco, and on the pouches they had Benelux tax stamps on the back.

At 13:01hrs I carried out a search of vehicle W88WON a Dodge Caliber 5XT under the Customs and Excise management Act 1979 Section 163.-----

At 13:03hrs Search completed, nothing found of interest.-----

At 13:04hrs in the stockroom I found a 1.5L bottle of Smirnoff Vodka 37.5%ABV which had no UK Duty Stamp on the bottle, the bottle was then passed to \_\_\_\_\_ (HM Revenue and Customs Officer) for tallying.-----

At 16:20hrs I left the premises-----

Date: 06/09/2011

Signature: \_\_  
(signature of witness)

Signature: \_\_\_\_\_  
(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

Trading Standards Summary – Yummy's Licence Review

1.0 Joint HMRC Operation – Planning and Execution

1.1 Trading Standards (TS) have worked with Her Majesty's Revenue and Customs (HMRC) over the last 2 years. This has been particularly beneficial due to the links between customs offences and counterfeit goods. Earlier this year (2011) TS discussed the possibility of entering into an Information Sharing Protocol. The purpose was to enable HMRC to share details which TS may wish to use for the purposes of calling a licence into review. HMRC are a credible government organisation who are experts in the field of enforcing customs and excise legislation. Officers are granted extensive powers to enable them to effectively carry out their law enforcement functions.

1.2 An Information sharing protocol was put into place between HMRC and TS enabling the sharing of information for the purpose of calling a licence into review if necessary.

1.3 Early in January 2011 HMRC approached TS regarding carrying out a joint operation to visit premises in order to establish whether they were in possession of counterfeit and non duty paid alcohol and tobacco products. The premises that were selected to be visited during the operation were chosen by virtue of intelligence that was considered to be relevant by the enforcement agencies. A number of premises were selected. A pre-meeting was held with HMRC on 24<sup>th</sup> March during which officers discussed and planned the operation.

1.4 The joint operation which was led by HMRC, took place on 19<sup>th</sup> and 20<sup>th</sup> April. Three officers from TS took part on these days: Karen Woods, Rob Edmunds and Steve Horsley. Due to the number of premises being visited, number of HMRC officers involved, and the fact that some were being visited simultaneously the TS officers were present at a number but not all of the premises. No TS officers were present at Yummy's on that day.

1.5 HMRC held briefings on each day and communication was maintained throughout the 2 days by radio and mobile phone. Any alcohol or tobacco products seized by HMRC were secured as evidence and taken into HMRC possession. HMRC provided transport and storage for the goods.

1.6 Following on from the operation telephone contact was held between HMRC and Karen Woods. An email was received by Karen Woods from Paul Cumberland on 6<sup>th</sup> May providing a breakdown of the premises visited and the goods seized.

1.7 18<sup>th</sup> May a meeting took place as a formal de-brief and review of the operation, during which the evidence was reviewed. Time was then allowed to lapse in line with HMRC protocol to allow opportunity for licence holders from whom items were seized to make appropriate appeals or provide documentation.

1.8 On 5<sup>th</sup> August a statement was received by email by Karen Woods from Paul Cumberland. On 9<sup>th</sup> August a signed copy of the statement was received by Karen Woods by email. This statement along with the application for review for Yummy's was submitted by Karen Woods on 10<sup>th</sup> August.

## 2.0 Law and Guidance

2.1 TS are a responsible authority under the Licensing Act 2003. This Act provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken: The prevention of crime and disorder, Public Safety; The prevention of public nuisance; The protection of children from harm.

2.2 The Guidance Issued under Section 182 of the Licensing Act 2003 (para 11.23) explains that reviews may arise in connection with crime. "Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of an individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives."

2.3 Paragraph 11.26 of the Guidance 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 (there is a list but I have only highlighted the relevant point)

- for the sale of smuggled tobacco and alcohol.

"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. We would also

encourage liaison with the local Crime and Disorder Reduction Partnership”

2.4 The Licensing Act 2003 itself recognises the criminality of smuggled goods and creates an offence under section 144 which in summary states that a person commits an offence if he 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.

2.5 Mr Wong has admitted knowledge of goods on the premise which HMRC believed to be smuggled. However another piece of criminal legislation has also been introduced into this case by HMRC and this is the Customs and Excise Management Act 1979. It is contended that breaches of this legislation as identified by HMRC have also called into question whether Mr Wong has upheld the licensing objective of the prevention of crime and disorder. The fact that HMRC had cause to seize large quantities of alcohol and tobacco from the premise has led trading standards as a responsible authority to question this. It is also noted that no documentation or explanations were produced to HMRC during the timescales that followed.

2.6 The tobacco products were taken by HMRC officers as they were not satisfied as to the legality of the goods. HMRC have in their statement identified that Mr/Mrs Wong have not been implicated in this specific offence. However HMRC had grounds to seize the items from the licensed premise by virtue of criminal legislation. This again raises concern over the use of the licensed premise and whether the licensing objectives are being upheld.

2.7 HMRC principally have used the Customs and Excise Management Act 1979 during the operation. This legislation gives them powers of forfeiture and seizure where they suspect an offence has been committed. The offences appear to be outlined in section 49 and 124.

### 3.0 The Tobacco products

3.1 The tobacco products that were found on the premise were as follows, according to statement of P Wright of HMRC:

- 2 black carrier bags, one containing 800 Ilpermbep cigarettes and one containing 2800 Ilpermbep. A black carrier bag placed within a white box marked Spavin containing 2kg Samson tobacco. The pouches had Benelux tax stamps on the back. 1 white Tesco bag which contained 0.500kg of Amberleaf tobacco with Benelux tax stamps on the back. All of these items were found in the rear stockroom amongst shelving and freezers containing stock.

3.2 Mr Wong informed HMRC Officer J Kett that the items belonged to the 2 girls who work in the shop and that they can't leave them at home. Ms Gilbride when asked claimed that the tobacco and about 15 cartons of cigarettes as being her property. When questioned again, Ms Gilbride then stated that all the goods belonged to her. Along with further details she claimed that the goods were at the shop to prevent her alcoholic partner selling them to buy drink. J Kett had sufficient suspicion that they were non UK duty paid and so she formally seized all the tobacco goods from Ms Gilbride under the CEMA 1979 provisions.

3.3 HMRC officers had sufficient doubt in the explanations offered that they seized the tobacco products. HMRC have stated that Mr Wong has not been implicated in the offence that Ms Gilbride had the tobacco in her possession. TS have considered that the presence of suspected non duty paid goods within the storage area of Mr Wong's shop in the context of the quantity of goods seized including alcohol, and known intelligence. TS therefore have concerns regarding the licensing objective of the prevention of crime and disorder being upheld.

#### 4.0 The Alcohol Products

4.1 Alcohol was observed by HMRC officers as on sale behind the counter, and stored in the rear of the shop. Mr Wong claimed that he had placed a telephone order with a person known as Ahmed, a London wholesaler earlier the same week, with the goods being delivered on 19/4/11 by a Polish male in a plain red van. Officer J Kett was informed that no paperwork was supplied by either Ahmed or the driver. All items were detained that were supplied by Ahmed and not supported by an invoice pending production of the relevant invoices by Mr Wong. A detention notice was left at the premise detailing the goods that were detained. As no invoices were forthcoming the goods were then seized one month later on 20<sup>th</sup> May 2011, a warning letter was sent by HMRC to the premise on 20<sup>th</sup> May along with the notice of seizure letter. The alcohol seized was 549.2 litres of beer, 234 litres of wine and 75.55 litres of spirits.

4.2 The wine and beer would not have been marked with a UK duty stamp as this was not a requirement. HMRC are unable to confirm whether the spirits bottles all had a UK duty stamp. The officer was sufficiently suspicious due to the brands of alcohol, the circumstances in which they were believed to be purchased and the lack of paperwork or documentation provided at the time. No other evidence or documentation was supplied to HMRC afterwards despite being given the opportunity to do so.

4.3 Officer J Kett stated that some paperwork was shown to her during the inspection and that the goods to which the paperwork related were left in situ and not detained.

4.4 As a result of last week being provided with 3 invoices that were sent into PCC on Mr Wong's behalf, I asked HMRC to compare the items listed against



those seized. HMRC have confirmed that these invoices were not shown to them on the day or subsequently. It is HMRC opinion that the goods and quantities seized do not sufficiently correlate in terms of brand or quantity with those listed on the invoices. They have confirmed that they do not satisfy them that duty had been paid in respect of the goods seized. The invoices do not provide an address or telephone number, the business name is not traceable, no VAT number has been provided and VAT is being charged at the incorrect rate.

4.5 TS have also given consideration to these invoices, but for the above reasons have due concern that the company is not legitimate and no evidence has been provided that duty has been paid. We also notice that the invoices appear to suggest that Mr Wong has used the supplier on more than 3 occasions without being provided with proper documentation and without questioning the legitimacy of the business or products supplied.

4.6 Aside from good business practice, proper documentation relating to the goods purchased is a legal requirement for VAT purposes but is also imperative in respect of food and drink for traceability purposes. The General Food Law Regulation (EC) 178/2002 implemented by The General Food Regulations 2004, Regulation 178/2002, article 18 requires that food business operators shall be able to identify any person from whom they have been supplied with a food. This is particularly important in relation to food and alcohol to enable the business and/or competent authorities to be able to trace products back through the supply chain in the event of a problem. For this reason we would expect that Mr Wong would have knowledge and experience of what would constitute appropriate documentation for this purpose.

4.7 In consideration of all of the information being put forward TS remain sufficiently concerned that the licensing objective of the prevention of crime and disorder is not being upheld at the premise in question. In forming this opinion we have placed reasonable reliance on the statements provided by HMRC Officers who are the credible experts. We have also taken into consideration the intelligence and indeed all representations that have been put forward. The role of TS is to ensure a fair and safe trading environment. The purchase and onward sale of illicit tobacco and alcohol products is an identified problem within Peterborough that TS are supporting other agencies in tackling. TS believe that we have a duty to put this matter before the Licensing Committee. We therefore respectfully request that Members of the Committee consider this information to determine whether the actions of Mr Wong have promoted or failed to promote the licensing objective of the prevention of crime and disorder.

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**APPENDIX F**

**LICENSING ACT 2003**  
**NOTICE OF REVIEW OF PREMISES LICENCE**

Notice is given that Peterborough City Council, as the Licensing Authority, has on the 10<sup>th</sup> of August 2011 been asked to review the Premises Licence for the following licensed premises:

Yummy Fish & Chips, 106 Dogsthorpe Road,  
Peterborough, PE1 3AL

The grounds for review are made by 'Trading Standards' under the Licensing Objectives 'Crime & Disorder'.

Anyone wishing to make representations concerning this review should do so in writing to:

Peterborough City Council, Licensing Section, Bridge House, Town Bridge, Peterborough, PE1 1HU

Representations in respect to this review must reach the Licensing Authority by 7<sup>th</sup> September 2011

Persons wishing to inspect the review application may do so by attending the office of the licensing section during office hours, Monday to Friday. Alternatively the review application may be viewed on the public register section of the Licensing Authorities website,

<http://www.peterborough.gov.uk/page-5436>

It is an offence knowingly or recklessly to make a false statement in connection with an application, the maximum fine for which on summary conviction is £5000

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## APPENDIX G

Ref: Yummy Fish & Chips / Licensed Premises

Tuesday 06<sup>th</sup> September 2011

Darren Dolby  
Regulatory Officer (Licensing)  
Peterborough City Council  
Bridge House  
Peterborough  
PE1 1HU



Creating a safer  
**Cambridgeshire**

Dear Darren,

Re: HMRC / Trading Standards review – Yummy Fish & Chips

On the 20<sup>th</sup> April 2011 Cambridgeshire Constabulary supported Trading Standards and HMRC in a joint initiative designed to clamp down on the illegal trade of illicit and counterfeit goods. Police became aware of information in April 2011 that an Asian male was selling illicit cigarettes from the back door of a premise named as Yummy Fish and Chips. This information would have been disseminated to other law enforcement agencies. Yummy Fish & Chips, 106 Dogsthorpe Road, Peterborough was visited and illicit goods were seized. A total of the revenue due on alcoholic products was £1832.43, and the total of the revenue due on tobacco products was £1468.01. A grand total of £3300.44 of outstanding revenue.

“Cambridgeshire Constabulary take a very serious view on the sale of illicit and/or counterfeit goods realising the serious implications upon the licensing principle of preventing crime and disorder. Such crime has a detrimental effect upon the immediate community and can be harmful to unwitting customers including children. Distribution and sale of illicit / counterfeit goods is linked to serious and organised crime and nationally is a drain on the economy. On this occasion the amount of revenue due on the seized goods is considerable. The amount of alcohol and tobacco clearly indicate an intention to retail illicit goods for the benefit of the owner. My concerns lie with the fact that this location is a small residential fish and chip shop in possession of such a large quantity of alcohol, particularly spirits and tobacco goods. The license for the venue covers off sales only and does not allow for the consumption of alcohol on premises. It is very clear to Cambridgeshire Constabulary that test purchasing and unannounced visits to premises such as this is fundamentally necessary to prevent and deter crime. The owner has failed to submit any notice of claim against the forfeiture, evidence which would ultimately disprove involvement in the offence.

Under the guidelines as set out under S.182 of the Licensing Act 2003 (11.26) Cambridgeshire Constabulary fully support our partners, HMRC and Trading Standards, as a responsible authorities, and there recommendations for the full revocation of the premises license for Yummy Fish & Chips, due to irrefutable evidence of illicit trade”.

Yours faithfully,  
Grahame Robinson  
Police Constable 1572  
Licensing Officer  
Northern Division

91 Huntly Grove  
Peterborough  
PE1 2QW  
Tel: 07882201744

30<sup>th</sup> August 2011

To Licensing Officer,

I Angela Gilbride have known Warren Wong for over 20 years as my late parents were good friends of his parents. I live with an alcoholic who has been under the doctors and drink sense for over 6 years. Unfortunately when he goes on a drink binge he takes my tobaccos to sell for alcohol. We travel twice a year over to Belgium to buy tobacco for our own personal use - 60 pouches each (3 Kilos), which is the quota for anyone travelling into the UK from EU.

I asked Warren if I could keep all our tobacco/cigarettes at the shop as I know it would be safe. But unfortunately when HMRC visited the shop on 20th April 2011 - they seized all my goods. These are my goods held by a friend for medical and health reasons. I took full responsibility for the goods seized and I have made a statement to the HMRC explaining my reasons for keeping the goods at the shop. Even though the tobacco was purchase in Belgium and was only a small amount kept in the storeroom, HMRC seized the whole amount.

I don't actually work in the shop, I help out when Warren's wife has to attend to their daughters' needs and I also babysit for them at their home or at the shop.

I personally believed Warren has been unfairly treated as he is a very harding working, honest person who is only trying to help out his customers by holding a alcohol licence in the shop so the elderly, disabled and the regular customers do not have to walk to Millfield and other areas at night. He makes only a very small profit from the sale of the alcohol since he is selling at such low prices, as it is only for the benefits and convenience of his customers and to boost his sales of hot food.

I only wish more local businesses were like Warren's that really looks after this community....

Your sincerely,

Angela Gilbride



# Statement of Fitness for Work or Statutory Sick Pay

Claimant's name: Mr, Mrs, Miss, Ms Julian Rossall

Assessed your case on: 24 / 6 / 10

Reason for absence: acute dependence

Advise you that:  
 you are not fit for work.  
 you may be fit for work taking account of the following advice:

If available, and with your employer's agreement, you may benefit from:  
 a phased return to work  amended duties  
 altered hours  workplace adaptations

Comments, including functional effects of your condition(s):

This will be the case for 4 weeks or from 1 / 1 to 1 / 1  
 will ~~not~~ need to assess your fitness for work again at the end of this period.  
 Please delete as applicable

Doctor's signature

Date of statement: 27 / 6 / 10

Doctor's address

## For the patient - what to do now

Please read the notes below then fill in your details and, if you are claiming social security benefits, sign and date the declaration. If you cannot fill in your details yourself, ask someone else to do it for you.

### What your doctor's advice means

**Not fit for work:**  
 Your doctor will advise this when they believe that your health condition means you should refrain from work for the stated period of time.

### May be fit for work taking account of the following advice:

Your doctor will recommend this when they believe that you may be able to return to work with some support from your employer. Sometimes it may not be possible for your employer to act on the doctor's advice and you will not be able to return to work until you have further recovered. You do not need to get a further Statement from your doctor to confirm this.

### If you are employed

If you are not fit for work, or your employer cannot support your return to work, your employer should consider paying Statutory Sick Pay (SSP) based on the information provided. If SSP cannot be paid, or your SSP is ending, your employer will give you form SSP1 to claim social security benefits. If you are self-employed, you may be able to claim social security benefits because of your health condition.

### Social security benefit claimants

If you are claiming social security benefits because of your health condition, send this form to your Jobcentre Plus office. If you are claiming social security benefits for any other reason, you should contact a Personal Adviser to discuss the advice on the form. If you do any work you must inform Jobcentre Plus of your change of circumstances.

### If you want to make a new claim to social security benefits you can:

- download a claim form at [www.direct.gov.uk/benefits](http://www.direct.gov.uk/benefits), or
- phone **0800 055 6688** (8am to 6pm Monday to Friday). Textphone users call **0800 023 4888**.

### Your details - Please use BLOCK CAPITALS

Surname: Mr, Mrs, Miss, Ms

Other names: JULIAN PHILIP

Address: 91 HUNTER GROVE  
PERABOROUGH

Date of birth: 24 / 08 / 74

National Insurance (NI) number: PE1 200

Declaration - for social security benefit claimants only  
 I agree that my doctor may give the Department for Work and Pensions or a healthcare professional acting on its behalf information which is needed to process my claim for benefit and any request for it to be looked at again.

Signature: \_\_\_\_\_  
 Date: 5 / 7 / 10  
 If you have signed this form for someone else, please tick here:



**Mosi-oa-Tunya House • 42 Burnt House Road • Turves • Peterborough • PE7 2DP**

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Peterborough City Council  
Licensing Panel

4 September 2011

Members

I am writing in support of Warren Wong who runs Yummy Fish and Chips on Dogsthorpe Road. I first met Warren when his parents ran the chip shop at Hill Close and have known him for over 20 years. I can vouch for his hard working nature and impeccable character, following in his parents' footsteps.

I was stunned when he told me that, following a raid by HMRC on his premises in April 2011, Trading Standards had submitted an application for his alcohol licence to be revoked on the grounds that he could not produce receipts for some of the alcohol and therefore must be trading in illicit goods.

I asked Warren for a copy of the application submitted by Karen Woods of The Trading Standards Department and I was shocked at the slovenly and incomplete nature of the document, the total absence of substantive evidence and the fact that not only were Trading Standards and the Police not present on the visit (subsequently described by Trading Standards – when it suited them - as a joint operation, which it obviously wasn't), but the people from HMRC who were there had not submitted statements; the statement was from a third party at HMRC who claimed to have read the reports of the visit. The legal description for this type of evidence is hearsay evidence and it is rarely accepted as valid. After all, if HMRC officers attended the premises and could write the reports, why didn't they make the statements?

I was so appalled at the incompetent and unwarranted application, that I immediately volunteered to represent Warren and set about raising questions with the Council.

All I have met from the Council is obstruction, obfuscation, further incompetence and an arrogant unwillingness to take responsibility for the quality and completeness of their own prosecution case. I have written getting on for 40 pieces of correspondence on this subject, all of which will be produced at the hearing but at this stage, I will illustrate the obstruction I have met, the incompetence of Council legal advice and their failure to take responsibility for their own case with one email, the preceding trail and the attachment being that from myself to Head of Legal Services Kim Sawyer dated 31 August – attached; I still have not had a substantive reply to this, as at 4 September.

Make no mistake about this. There is no way that Warren Wong would have knowingly purchased stock that was not legal. In any case, as at today's date no substantive evidence has been produced to show that he could have known it was illegal, or that it was.

I can honestly say that I am utterly ashamed to be an elected Member of an authority that treats a hard working businessman in such an unjust and unreasonable way. It will be my pleasure to expose this shameful incident to the public and ensure that those who have collaborated to attempt to deprive Warren Wong of some of his livelihood for reasons that are, at this stage, unclear are held fully responsible for their actions.

Yours sincerely

Cllr Stephen Goldspink

Encs: email dated 31 August , preceding trail and attachment

## **Email dated 31 August 2011 and preceding trail**

**From:** Cllr Stephen Goldspink [mailto:stephen.goldspink@peterborough.gov.uk]  
**Sent:** 31 August 2011 05:22  
**To:** 'Sawyer Kim'  
**Cc:** 'Gell Peter'; 'Beasley Gillian'  
**Subject:** RE: Mr Wong Yummy Fish & Chips : Premises licence  
**Importance:** High

Kim

Thanks for your email.

I am not satisfied with the Council's response on disclosure and made that clear to Donna Hall (and Peter Gell) in the attached email sent last Thursday. I really do not know what Peter is doing suggesting that he has completed the job.

I have to contrast your comment that "There is a continuing obligation of disclosure which means that anything which subsequently comes to our attention will be disclosed to Mr Wong" (presumably you mean me as well as his representative, but please confirm), to the comments in your email of 23 August, which convey the opposite message.

I guess the reasons for this may become clearer when you respond substantively to my email dated 24 August 2011 at 13:34. When do you expect that to be?

I should point out the following in relation to the answers supplied:

Q6: The cigarettes were purchased legally, therefore there can be no evidence that they had been imported without payment of duty (except insofar as we can all bring cigarettes back from abroad) and they should not have been mentioned on Karen Woods' application. Please confirm that reference to this will be removed.

Q12: My client and I object to the continuing reference to criminal activities and crime on his premises, when the Council's only evidence is based upon a third party who was not there claiming that non receipts can be produced that satisfied the people who were there. Please can I ask you to consider how you would feel if you were in a hearing accused of stealing a television and the evidence was that a neighbour who saw the police take the TV away said he had read the reports and he was satisfied that a crime had been committed because the police told him they could find no receipt. How on earth can the Council justify using such flimsy hearsay "evidence" to prove a case? Would YOU be happy with such an approach?

Q13: We require the Council to precisely define small, medium and large quantities of alcohol by reference to the number of litres, so that we can verify that the action being proposed is proportionate and that the Council demonstrates that it is not using a single, punitive approach of recommending a ban, which would be an abuse of the licensing Act.

Q16: We note that trading standards were not at the premises on 20 April and are wholly reliant for their case on the evidence of someone who also was not there and who does not specify his occupation in the place reserved for that information. Please confirm that my understanding is correct.

Q18: Trading Standards advised that the council is seeking further information. Please advise me of the outcome.

Q21: When was this information published?

Finally, please advise me if you are satisfied with the legal basis of the case being made against Mr Wong by trading standards?

Time is now very short and I would ask you to ensure that your reply answers every single outstanding point from this and the previous correspondence attached.

Regards

*Stephen Goldspink*

Councillor, East Ward

**From:** Sawyer Kim [mailto:Kim.Sawyer@peterborough.gov.uk]  
**Sent:** 30 August 2011 17:30  
**To:** Cllr Goldspink Stephen  
**Subject:** FW: Mr Wong Yummy Fish & Chips : Premises licence

Dear Councillor Goldspink,

This is just a short note to confirm that I received a voicemail message from Peter Gell on Friday afternoon confirming that all documents in the Council's possession relating to this matter have been disclosed to Mr Wong and there is nothing further to disclose.

I also understand that you have received the responses to your questions.

Please let me know if you understand there to be any further documents not disclosed to Mr Wong.

There is a continuing obligation of disclosure which means that anything which subsequently comes to our attention will be disclosed to Mr Wong.

Kim Sawyer

[Head of Legal Services](#)

Peterborough City Council

Tel: 01733 452361

Mob: 07961 240684

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**From:** Sawyer Kim  
**Sent:** 26 August 2011 12:48  
**To:** Cllr Stephen Goldspink  
**Subject:** RE: Mr Wong Yummy Fish & Chips : Premises licence

Dear Councillor Goldspink,

Apologies for not responding sooner however I was in Leicester on Wednesday afternoon, in meetings until nearly 7pm last night and am in Rutland today so it is simply that I have not had an opportunity to write to you earlier.

I find that I cannot respond substantively to your points until next week but what I am doing is trying to do is clarify with officers that Mr Wong has all the information that the Council holds regarding the licensing hearing and that you have received responses to your FOI queries.

I think that this addresses the immediate issue.

The remaining issues I would like to discuss with Gillian and Helen next week as you have raised some matters that are wider than the hearing and I would like the opportunity to discuss those before responding. I will come back to you in the early part of next week.

Kim Sawyer  
Head of Legal Services

Peterborough City Council  
Town Hall, Bridge Street  
Peterborough  
PE1 1HQ

Email: [kim.sawyer@peterborough.gov.uk](mailto:kim.sawyer@peterborough.gov.uk)

Telephone: 01733 452361  
Mobile number: 07961 240684  
Fax number: 01733 452220

To find out more about Peterborough City Council please go to: [www.peterborough.gov.uk](http://www.peterborough.gov.uk)

Please consider the environment before printing this email

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**From:** Cllr Stephen Goldspink [[stephen.goldspink@peterborough.gov.uk](mailto:stephen.goldspink@peterborough.gov.uk)]  
**Sent:** 24 August 2011 13:34  
**To:** Sawyer Kim  
**Cc:** Beasley Gillian  
**Subject:** RE: Mr Wong Yummy Fish & Chips : Premises licence

Kim

I am sorry that you had this issue to deal with when you returned from leave. Had officers agreed to answer my questions as I believe the law and natural justice requires them to, we all could have been saved a lot of trouble.

I am not upset about the advice given – I am extremely angry, to the point where I found it difficult to leave a message with Alison Kent. You are incorrect when you say that I described the advice given as “Incorrect and complete rubbish”, but perhaps you were misinformed. My email to Karen Woods states “You may be

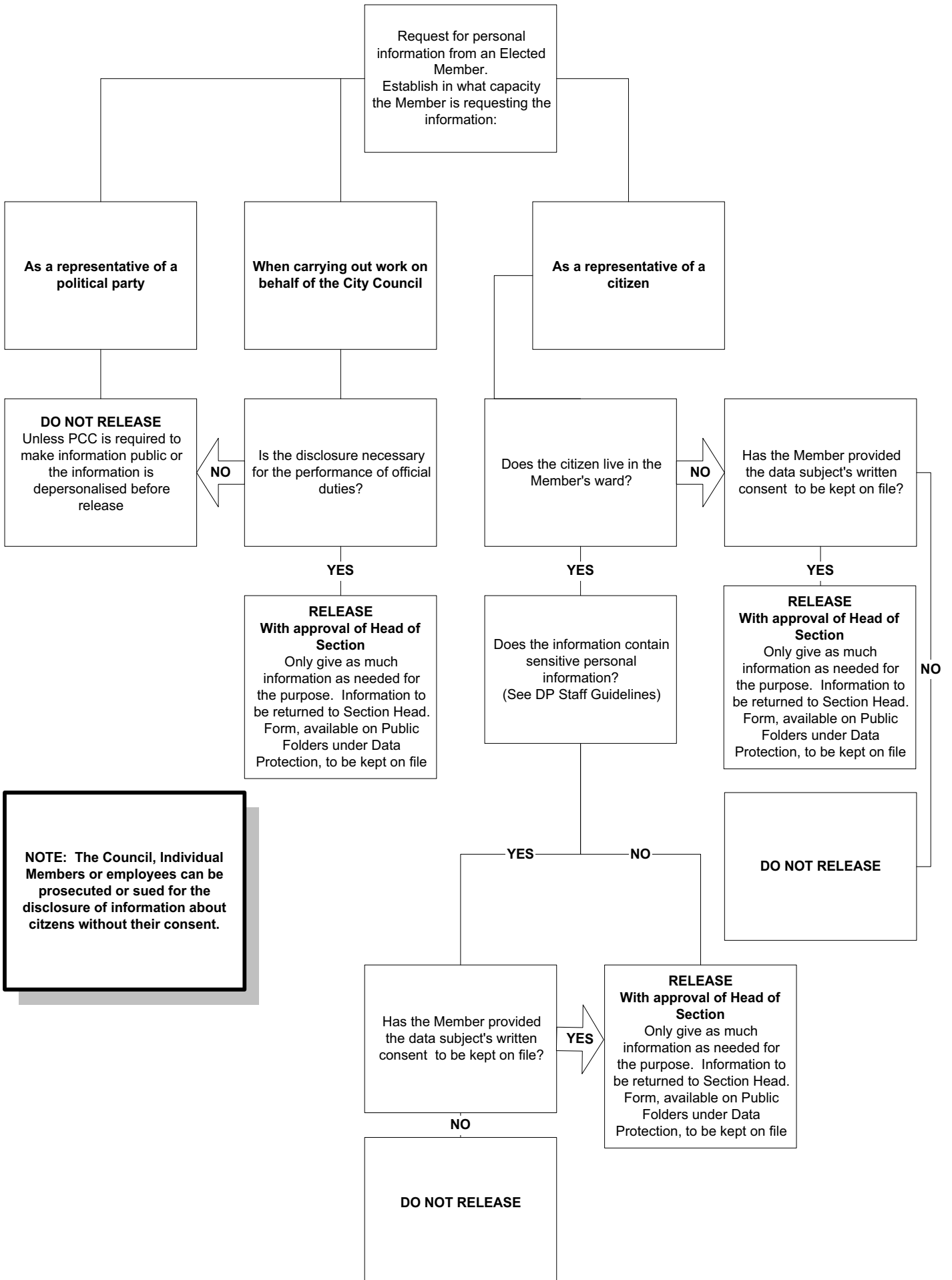
interested to know that a solicitor has described Amy Brown's advice as incorrect and complete rubbish." I am not a solicitor. Please confirm that you understand that I did not make the comment.

Regarding the fact that I did not call you, the statement by Karen Woods was as follows: "If you would like to discuss this decision then you are welcome to contact Kim Sawyer - Head of Legal Services for this purpose. Her telephone number is 452361" . This constitutes an offer, defined as "Present or proffer (something) for (someone) to accept or reject as so desired". I chose to decline the offer for reasons set out in my email to Gillian this morning. The use of the word "despite" in your sentence is, therefore, inappropriate as it implies that I was obliged to call you and further implies I did wrong by not doing so. Please confirm that you understand that your phraseology was inappropriate.

The evidence is clear that I am being obstructed by inappropriate use of the wrong laws. The DP Act does not apply, and the Office of the Information Commissioner has confirmed this to me. I have also taken my own legal advice.

Can I draw your attention to the flowchart in paragraph 6.3 of the Member Officer Protocol dated March 2011. I reproduce it here for your information:

# DISCLOSING PERSONAL INFORMATION TO ELECTED MEMBERS



If you follow this through, you end up in the box "RELEASE". Perhaps you can explain how that is also in direct contradiction to all the legal advice being offered? However, most of the information is not personal, it is administrative case related data, so even less reason to withhold it. You yourself have said, "I note that most of the questions you ask can only really be answered by HMRC as it concerns their method of proving an offence has been committed.", so why is it being dealt with as if it is personal data?

Your understanding is, therefore, incorrect according to every other piece of advice I have sought, plus common sense, natural justice principles and normal court hearing rules.

Why would the facts of the case be thought by HMRC to be likely to "prejudicing their investigations into this matter" unless they have something to hide. It is not very comforting when their key evidence is hearsay evidence.

I am concerned at your use of the phrase - "it concerns their method of proving an offence has been committed". Isn't this a tad presumptive?

I must remind you that a licensing panel is regarded as quasi-judicial, and many of the requirements of a normal council committee (e.g. on access to data) will not apply. The Committee should make its decisions in accordance with the principles of natural justice and with regard to the Human Rights Act 1998 (Articles 1, 6 and 8 of the European Convention on Human Rights are likely to be engaged). In these circumstances, I believe the Council's interests should take second place to serving justice. Please confirm my understanding is correct.

You may be right that your responses have always been prompt and in accordance with the Council's customer care standards, but I fear you cannot speak for the whole department or Council, where there are regular breaches. It would really help me if you could comment on the attached email vis-a-vis those standards and perhaps ensure I get the acknowledgement (target 1 day) and the reply (target 10 days). Just for clarity, the questions I need a response to are as follows:

- Please confirm that you understand I did not make the "incorrect and complete rubbish" comment.
- Please confirm that you understand that your phraseology in your third paragraph was inappropriate.
- Perhaps you can explain how the result from the flowchart above is also in direct contradiction to all the legal advice being offered?
- Why is it being dealt with as if it is personal data when, by your own admission, "most of the questions you ask can only really be answered by HMRC as it concerns their method of proving an offence has been committed."
- Why would the facts of the case be thought by HMRC to be likely to "prejudicing their investigations into this matter" unless they have something to hide?
- Please confirm that hearsay evidence is inadmissible at a licensing panel meeting.
- Isn't your use of the phrase "it concerns their method of proving an offence has been committed". a tad presumptive?
- Please confirm my understanding that that a licensing panel is regarded as quasi-judicial, many of the requirements of a normal council committee (e.g. on access to data) will not apply and that the Committee should make its decisions in accordance with the principles of natural justice and with regard to the Human Rights Act 1998 (Articles 1, 6 and 8 of the European Convention on Human Rights are likely to be engaged).
- Please comment on the attached email vis-a-vis the Council's customer care standards and perhaps ensure I get the acknowledgement (target 1 day) and the reply (target 10 days).

Regards

*Stephen Goldspink*



Councillor, East Ward

**From:** Sawyer Kim [mailto:Kim.Sawyer@peterborough.gov.uk]  
**Sent:** 23 August 2011 17:43  
**To:** Cllr Goldspink Stephen  
**Cc:** Beasley Gillian  
**Subject:** Mr Wong Yummy Fish & Chips : Premises licence

Dear Councillor Goldspink

I have returned from leave to see several emails from you regarding your representation of Mr Wong, particularly concerning advice given by Amy Brown in my team following your requests for information on Thursday last week.

I understand from your emails that you appear to be rather upset about the advice given (that you request ought to be treated as an FOI request) and you have described that advice as "incorrect and complete rubbish".

Despite offering my contact details (email from Karen Woods of 18 August) I also note that you did not ring me to discuss the advice.

I am of course concerned that your comments and lack of direct contact would imply that you think this advice was given in order to obstruct you. Please let me assure you that since your request was received last week Amy and other officers have been working to clarify what information they can release in order to assist you and that it is *always* the intention of my officers to assist any councillor whenever they can within the confines of the law.

As I explained to you previously there is some caution about how officers treat information held by the Council and all the more so since the recent changes to the Data Protection Act. You will recall that I sent you an advice note from the Information Commissioners Office previously which stated that personal information could only be released under the need to know if

- It enables you to carry out your functions as a councillor e.g. attendance at committee
- You are representing a ward constituent

It is my understanding that neither of these apply here and therefore you have no rights under the need to know. As you recall on the last occasion when I assisted you with advice I concluded that where you might not have a need to know I could release information to you under the Freedom of Information Act and advised Amy therefore of this approach. In order therefore to facilitate the provision of information to you Amy advised Peter Gell's team that if this were treated as an FOI request we might consider the release of information under that process. Amy advises me that she has been in contact with HMRC to clarify what can be released to you without prejudicing their investigations into this matter.

I also understand that Amy has asked for an officer of HMRC to be present at the Licensing hearing so that you will have the opportunity to question them on behalf of Mr Wong about information held by them which has not

been released to the Council. I note that most of the questions you ask can only really be answered by HMRC as it concerns their method of proving an offence has been committed. The Council will only be provided with information by HMRC which is necessary to decide whether the licence ought to be revoked and a legal advisor will be at that hearing to ensure that all parties are fairly heard before any decision is made.

I note that no one has yet asked you to provide written consent from Mr Wong for release of the information but I would prefer that, as you are acting in a personal capacity, formal written consent is given by Mr Wong for release any personal information to you. If you are representing Mr Wong at the hearing then I would also urge you to speak to the licensing team about whether there are any formal requirements for this. I would also ask you to consider whether you have any personal or prejudicial interests to declare at the hearing, although from what I have seen of this matter it would not be apparent that there are any.

I trust that this explains the reasons for the advice given by Amy and I hope that you understand that our advice is given in good faith and with the Council's interests as paramount in our considerations.

Finally I would hope that you will see that our correspondence and responses to any requests for advice have always been prompt and within the Council's customer care standards. You may expect a fuller response to each of your questions shortly and where you are unhappy with any of those responses I would be grateful if you could contact me to discuss this.

Kim Sawyer

Head of Legal Services

DD: 01733-452361

Fax: 01733-452524

Mob: 07961 240684

Peterborough City Council

Town Hall, Bridge Street

Peterborough PE1 1HG

DX 12310 Peterborough 1

Peterborough City Council Legal Services is Lexcel accredited.

For further information on the Lexcel standard visit [www.lawsociety.org.uk/lexcel](http://www.lawsociety.org.uk/lexcel)

## **Attachment to email dated 31 August 2011**

**From:** Cllr Stephen Goldspink [mailto:stephen.goldspink@peterborough.gov.uk]

**Sent:** 25 August 2011 23:14

**To:** 'Hall Donna'

**Cc:** 'Gell Peter'; 'Woods Karen'; 'Beasley Gillian'

**Subject:** RE: Response to Questions in respect of Premise Licence 058716

Donna

Thank you for this tiny amount of information that took a week to accumulate after all sorts of invalid objections were raised against providing it.

I do not accept that Mr Wong and I should be going direct to HMRC for this information. Nor do I accept the approach " I will of course update you if I hear back from them" as that implies that you feel that your role in this is ended and, furthermore, if you do not hear back from them, you will not chasing them nor be updating me.

Trading Standards are bringing this case and you are using the statement by HMRC to support it. It is, therefore, **your** responsibility as the prosecuting authority to secure all the evidence that the defence require – i.e. ensuring your full case papers are available to Mr Wong and I so we can fully understand the case that you are making. You will be frustrating natural justice and failing to comply with the spirit and letter of the licensing act if you do not produce all the documentation and answers that Mr Wong needs to defend his case.

Therefore, I look forward to your procuring all the other answers with due diligence and without me chasing for it. I will need this information by no later than close of business on Friday 2 September 2011. That will be the ten working days allowed under the Council's customer service standards for a reply.

On another matter, far be it from me to make allegations, but someone more cynical than me may come to a certain conclusion when a young girl with a very strange foreign accent turned up in Mr Wong's shop today asking, apparently, to be sold cigarettes. He does not sell cigarettes and has never, ever had such a visit since the shop opened. I count myself blessed that I am neither cynical, naturally suspicious, nor prone to jump to conclusions.

Regards

*Stephen Goldspink*

Councillor, East Ward

**From:** Hall Donna [mailto:Donna.Hall@peterborough.gov.uk]

**Sent:** 25 August 2011 13:58

**To:** Cllr Goldspink Stephen

**Cc:** Gell Peter; Woods Karen

**Subject:** Response to Questions in respect of Premise Licence 058716

Cllr Goldspink

Please find attached a response to the questions you have submitted to trading standards and the subsequent questions posed to Peter Gell. I'm sorry for the delay but would like to reassure you that we have been giving this matter our urgent attention.

As we are unable to provide some of the information you are requesting, I have been trying to obtain the contact details for an appropriate officer at HMRC that you may wish to contact. Unfortunately due to annual leave, they have been unable to supply me with this at present. However in order that you may progress things I have provided more general contact details where any requests for information may be directed to. I will of course update you if I hear back from them.

Kind regards

Donna

Donna Hall

Business Regulation Manager

Peterborough City Council

Bridge House

Town Bridge

Peterborough

PE1 1HU

E mail: donna.hall@peterborough.gov.uk

Tel. 01733 453514

### **REQUEST FOR INFORMATION**

1. What evidence do you and HMRC have that the goods seized are illicit?  
[Paul Cumberland in his Statement of 4<sup>th</sup> August 2011 has confirmed that the goods are illicit with reference to the Customs and Excise Management Act 1979.](#)
2. Please supply a full inventory of the goods seized including bottle / packet size, count, brands, etc  
[Peterborough City Council's knowledge of the products is as set out at page 4 of the Application for Review. More detailed information should be requested directly from HMRC.](#)

We have been trying to establish the best direct contact for you at HMRC and are awaiting confirmation of this. However in the meantime we have been advised that requests for information should be directed to HMRC using their online form or by writing or fax to:

HMRC Freedom of Information Team  
Room 1C/25  
100 Parliament Street  
London  
SW1A 2BQ  
Fax Number: 020 7147 0666

Further details about requesting information from HMRC can be found at

<http://www.hmrc.gov.uk/about/foi.htm>

3. Is any of the alcohol seized devoid of a mark that a reasonable person might accept to be that affixed to a bone-fide, duty paid item? If so, please list which items do not carry such a mark or which items have an invalid mark.  
[Peterborough City Council's knowledge of the products is as set out at page 4 of the Application for Review. More detailed information should be requested directly from HMRC.](#)
4. How would HMRC officers prove that a particular item was that referred to on a particular invoice?  
[As above.](#)
5. What evidence do HMRC have that duty was not paid on the items seized?  
[Paul Cumberland in his Statement of 4<sup>th</sup> August 2011 has explained the legislative basis entitling HMRC to conclude that duty was not paid. More detailed information should be requested directly from HMRC at the address provided above.](#)
6. Which law states that an individual cannot store cigarettes or any other goods on the business premises of another person, with their permission? Please quote act and reference.  
[There is no law which prohibits the circumstances you have described nevertheless s.144 of the Licensing Act 2003 makes it an offence to knowingly keep or allow to be kept any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.](#)
7. Was the quantity of cigarettes seized from Angela Gilbride within her allowance for personal import? If not, what is the limit?

Peterborough City Council's knowledge of the products is as set out at page 4 of the Application for Review. More detailed information should be requested directly from HMRC.

8. Did Angela Gilbride state to the visiting officers that the cigarettes were hers personally and, if she did, what reason did she give for storing them at the shop?

As above.

9. What law permits HMRC to seize personal items from an individual? Please quote act and reference.

Section 139 of the Customs and Excise Management Act 1979.

10. How many previous offences are recorded against Mr Wong?

Peterborough City Council does not hold this information. This information should be sought directly from Mr Wong.

11. What reasons did Mr Wong give to HMRC officers for being unable to produce receipts and why are these not mentioned in the statement?

Peterborough City Council does not hold this information. This information should be sought directly from HMRC.

12. Please define "seriousness" as stated in the paragraph that says "Trading Standards as a responsible authority recommends revocation due to the seriousness of the illicit trade" and say what other grades of offence and recommendations could have been made.

The reference to "seriousness" is taken from the Guidance issued under section 182 of the Licensing Act 2003. Under paragraph 11.26 the guidance states that there are certain criminal activities that may arise in connection with licensed premises which the Secretary of State considers should be treated particularly seriously. This includes the use of the licensed premises for the sale of smuggled tobacco and alcohol. The guidance goes on to say that it is envisaged that responsible authorities (such as trading standards) will use the review procedures effectively to deter such activities and crime. The guidance goes on to state that revocation should be seriously considered where the crime prevention objective is being undermined through the premises being used to further crimes.

Section 4 of the Licensing Act 2003 provides that in carrying out its functions a licensing authority must have regard to the guidance issued by the Secretary of State under section 182.

As a responsible authority, trading standards are using the review procedures to uphold the licensing objective “the prevention of crime and disorder”. In recommending revocation, trading standards are drawing the attention of the Licensing Committee to the guidance as stated above. It is for the Licensing Committee to make their own decision as to the sanctions, if any, they wish to apply to the premise. Trading standards may have chosen to recommend other sanctions such as a suspension or the addition of conditions to the license. However this would have been a departure from national guidance.

13. Does the above statement refer to Mr Wong’s illicit trade or the illicit trade in general?

As explained above, the Secretary of State deems that certain criminal activities such as the sale of smuggled goods from licensed premises, is serious enough to warrant a responsible authority to use the review procedures under the Licensing Act. Trading standards view the supply of smuggled goods seriously. In Mr Wong’s case, the statement from HMRC identifies a large quantity of alcohol and tobacco products that they believe UK excise duty had not been paid on. Trading standards as a responsible authority view this seriously.

14. Your form mentions criminal activity – what specific evidence do you have that Mr Wong is engaged in criminal activity?

Page 4 of the review and the statement from Paul Cumberland explains the criminal legislation and activities that HMRC have identified.

15. Your form mentions smuggled tobacco and alcohol – what specific evidence do you have that the tobacco and alcohol seized from Mr Wong’s shop was smuggled?

Paul Cumberland in his Statement of 4<sup>th</sup> August 2011 has explained the legislative basis entitling HMRC to conclude that duty was not paid. More detailed information should be requested directly from HMRC at the address provided above.

16. Please let me have the names and roles of all the people who visited Mr Wong’s shop on 20 April 2011.

Peterborough City Council officers did not visit Mr Wong’s shop on that date. Information about the persons who visited should be sought directly from HMRC.

17. Why is a seizure from shop worker Angela Gilbride and identified as being owned by her personally being included in an action against Mr Wong?

Please see response to question 6 above.

18. Mr Wong did produce some invoices to the inspection team. Why is this not mentioned?

Peterborough City Council is unaware of any invoices having been provided to HMRC but will make appropriate enquiries in this respect.

19. Did Mr Wong identify any of the seized alcohol as being his personally? If so, why is this not mentioned on your form?

Peterborough City Council is unaware of Mr Wong having identified any of the seized alcohol as belonging to him personally but will make appropriate enquiries in this respect.

20. On what date do you anticipate Mr Wong's case will be heard by the licensing panel?

28<sup>th</sup> September 2011.

21. How did the Peterborough Evening Telegraph find out about your application? Please provide me with any papers that you or any colleagues provided to them, and explain the reasons for disclosure.

All review applications are published on the public register and are accessible at the following web address:

[http://www.peterborough.gov.uk/business/licensing\\_and\\_permits/licensing\\_act\\_2003/public\\_register.aspx](http://www.peterborough.gov.uk/business/licensing_and_permits/licensing_act_2003/public_register.aspx)

There has been no specific contact with the Evening Telegraph in respect of this application.

22. With regard to the statement of Paul Terence Cumberland: Was Mr Cumberland present at the inspection on 20 April 2011?

No, Mr Cumberland was not present at the inspection.

23. What is his occupation (it cannot be "HM Revenue and Customs – that is who he works for)?

Mr Cumberland's role and responsibilities are as set out in the first paragraph of his Statement of 4<sup>th</sup> August 2011.

24. The number of pages has not been completed on the statement. Why not, and how many pages are there?

The Statement is 1 page long.



25. Apart from the proprietors inability to produce invoices or receipts to prove duty paid, what other evidence do HMRC have that United Kingdom Excise Duty has not been paid?

Peterborough City Council does not hold this information. This information should be sought directly from HMRC.

26. Where are the goods confiscated from Mr Wong now?

Peterborough City Council does not hold this information. This information should be sought directly from HMRC.

#### Additional questions raised by Cllr Goldspink 23<sup>rd</sup> August

27. I'd also like to know what prompted the swoop on Mr Wong's premises? What good and valid reason did HMRC and trading standards have for going in? If they had been keeping an eye on the place beforehand there had to be a reason why they suspected something criminal was going on – please confirm.

HMRC planned and led the operation during which Mr Wong's premise was visited. This information should be sought directly from HMRC.

28. Does Mr Wong have a record and has he been warned or cautioned at any time?

Please see response to question 10. Trading standards do not have a record of having warned or cautioned Mr Wong previously.

#### Further Question from Cllr Goldspink 24<sup>th</sup> August

29. I need a response to a further question. In his statement, Mr Cumberland says "I have examined the reports concerning the visit". Clearly the defence needs sight of the reports referred to so we can confirm the accounts therein. Please supply them.

We do not have copies of the reports referred to by Paul Cumberland in his statement. This information should be sought directly from HMRC.

Dear Ms Martin

I should be grateful if you would include the following submission with the other papers relating to the forthcoming meeting of the Licensing Panel.

Yours sincerely

John Shearman

Councillor for Park Ward.

## **TO WHOM IT MAY CONCERN**

**Re: Mr Warren Wong of Yummy Fish and Chip Shop - Dogsthorpe Road, Peterborough.**

I should like this character reference on Mr Warren Wong to be considered, alongside other submissions, when the matter of the revocation of Mr Wong's licence to sell alcohol is presented by Officers to the Licensing Panel.

" I have been a customer at Mr Wong's shop for almost four years and find the suggestion that he knowingly sold, or allowed to be sold, alcohol on which duty had not been paid completely inconsistent with the character of the man I have come to know. Mr Wong is a blunt-speaking person who does not suffer fools gladly and whose desire to work within the limits of the law, and expect others to do so also, frequently achieves zealous proportions. He demands the same high standards of integrity and probity of others, whether they be his employees, council officers, local councillors or members of the general public, as he does of himself.

When he first told me it was his intention to apply for a licence to sell alcohol, he made it clear that unlike other establishments in the area, he would not be selling any from 'under the counter' prior to the licence being granted. He also ensured that CCTV was in place when he commenced selling alcohol. Additionally, there is no evidence that he has ever attempted to sell alcohol to a minor and I have been present when he has refused to sell liquor to an adult whom he believed to be intoxicated. Whilst these actions do not logically preclude him from knowingly selling 'smuggled' alcohol, his transparent desire to act legally both prior to his licence being granted, and subsequently, make such a suggestion appear at the very least implausible and at the most mischievous.

I have looked at the review application submitted by Karen Woods of the Council's Trading Standards Department and note that it relies upon a statement submitted by someone who was not present on the day the action took place; it also says that Mr Wong did not produce receipts, but then fails to note that he did produce delivery

notes (5th, 12th and 19th April) and that he told the visiting officer that he had not yet paid for most of the goods impounded as he had not been invoiced for them. The evidence would therefore appear to be incomplete, third party evidence and as such both unreliable and biased.

Mr Wong is able to count amongst his client group a number of individuals, who by virtue of the positions they hold, would be scandalised to think that he was harbouring smuggled goods, whilst at the same time selling them fish, chips and associated foods as well as alcohol. This group includes four councillors, namely Councillors Peach, Dalton, Goldspink and myself, as well as the local PCSO's and police officers. It is inconceivable that he would risk incurring the shame of losing such customers by virtue of selling illicit goods.

On the basis of what I have written above, the suggestion that Mr Wong has, or would, knowingly act illegally, insofar as he has sold or harboured smuggled alcohol, is quite unsustainable and I would hope members of the Licensing Panel will consider these views when reaching their decision."

John Shearman,

Councillor for Park Ward and local resident.

September 3rd, 2011

Dear Ms Martin,

I have been asked to provide a personal character reference for Warren Wong.

"I have known Warren and his family for many years and I have no hesitation in stating in my opinion he is an honest, hard working and reliable member of the community. I find the allegations that he would have knowingly, consciously or deliberately become involved in anything dishonest or against the law a absurd idea.

Yours sincerely,

Stephen Goodacre

Retired Chairman National Federation Of Fish Friers (Peterborough) Former owner of various fish and chip businesses in Peterborough including Skippers and Captain Cod.

5th September 2011

Hello Teresa.

Having heard the news that Peterborough Trading Standards have submitted an application to revoke Mr Wong's license to sell alcohol, I felt it necessary to contact you.

Firstly can I apologise for this email being sent at a later than ideal date and time, but I have been away visiting family.

I have known Warren for many years, meeting him through the National Federation of Fish Friers Peterborough Branch meetings of which I am former Vice Chairman. Warren's shop is not far from my shop 'Fishy Business' and we often discuss and swap business ideas to help each other. Particularly recently with the economic climate struggling, trade not as good as it was along with the rise to 20% VAT on our food sales, we have to try different ideas for our small businesses to survive. One of Warren's ideas was to obtain a license and sell alcohol in his shop.

Quite frankly the idea that Warren has been knowingly and deliberately selling non-duty paid alcohol is bizarre! Warren is very much a family man and honest hard working business man. I find all of this impossible to believe.

Warren seems to be quite unlucky. I recall hearing that HMRC visited his shop earlier this year and seized stock which he could not at that time produce invoices for as it was newly ordered stock. They even took a small amount of tobacco which belonged to a member of his staff!

I do hope this whole matter is resolved sensibly.

Should you wish to discuss this email or this matter with me, don't hesitate to contact me.

Kind Regards

Phil Mellon

Proprietor of Fishy Business Peterborough

Former Vice Chairman - National Federation of Fish Friers Peterborough Branch



# 英國華商總會

CHINESE CHAMBER OF COMMERCE (U.K.)

(C.C.C. CHINESE SCHOOL TRUST)

19-20 Frith Street London W1D 4RL

Tel & Fax: 0207 734 8135

REG. WITH CHARITY COMMISSION IN U.K. NO. 273198



6<sup>th</sup> September 2011

To Licensing Officer,

After meeting with Mr Warren Wong and reading the Application submitted by Peterborough Trading Standards, we the Chinese Chamber of Commerce UK wish to submit this letter supporting Mr Warren Wong's defence regarding the revocation of his licence to sell alcohol.

This Association has been established for nearly 40 years and we select our members carefully and vet candidates to the highest standards from application forms, interviews, home/business visits and democratic voting system each year by the Committee Members to renew their membership. Our membership ranges from £100 up to £5000 per year depending on various factors. All Membership fees go towards running our own established Chinese School which is also recognised by the Local Education Board. The Association is run by our member voluntarily and is not paid.

Mr Warren Wong has been a member for 5 years and his father has been a member for 30 years and currently serving as the Treasury Officer post.

We can confirm that Warren and his wife have been running Yummy Fish & Chips for the past 6 years. He is a hard working, honest and has a caring character in him. We understand that his main intention of obtaining the Alcohol Licence was to increase the Fish & Chips trade, as well as attracting more customers. In this time of economic hardship and with the economy in crisis, customers are hard to come by and he saw this as a way of safeguarding the future.

Warren was granted the Licence back in April 2010 and his Premises Licence was reviewed in April 2011. Following the review, we understand that he started to stock up on the alcohol in April and unfortunately HMRC visited his premises in the same month and they seized the goods for which he cannot provide invoices that satisfy them – mainly because most of the goods seized had not been invoiced or paid for. HMRC also seized a small amount of tobacco/cigarettes which belonged to his staff, even though it was for her personal use. By law and by right, we feel that the HMRC should not be seizing goods which belong to the staff.

Trading Standards hand delivered a copy of the application review to Warren's home and the very next day a Licensing Officer visited the shop to instruct him put up a Blue Notice. No prior warning or notice was given and it was a shock to Warren to be told that Trading Standards wanted to revoke his Licence.

After reading the application form, we believe the application is very short on information. There was no mention of why HMRC visited the premises, who else was present at the



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premises, and the reason given by Mr Wong as to why he was unable to produce invoices that were acceptable to HMRC. Why was the witness statement written by a third party? What other actual evidence does Trading Standards have against Warren to show the goods are illicit or duty has not been paid? Why is a revocation being recommended for a first time offence where there is hardly any evidence? Were Trading Standards and the Police involved? If Trading Standards were not present, then surely the goods were legitimate and not illicit or smuggled. If the Police was not present, then Trading Standards should not use the term 'Criminal Activity.'

With all due respect, we believe that the application review needs to be much more detailed and provide full evidence, even though it is only a Committee Hearing and not a Court Hearing.

We hope the Licensing Department will take this letter into consideration. Warren and his family have work very hard and have established a good name in his community. We can only ask you the Licensing Department and the Licensing Committee to judge Warren fairly and not to revoke his Licence on the basis of an application that is flawed and incomplete.

Thank you for your attention

Tony Ip  
Chairman  
Chinese Chamber of Commerce UK

PETERBOROUGH CITY COUNCIL  
- 8 SEP 2011  
ENVIRONMENTAL HEALTH

MR L J Quish  
20 Elizabeth Ct  
Peterborough  
PE1 - 4EH

To Licensing officer

I would like to support Mr Warren Wong in his case against his alcohol licence being revoked.

As a good friend of mine for five years, finding him to be very honest & hardworking.

As I have an eye condition and cannot drive I find his shop very convenient selling both food and drink.

And I know Warren would never be involved in any wrongdoing.





Millfield Court  
Doagthorpe Road  
Peterborough  
5<sup>th</sup> Sept 2011

Dear Sir/Madam,

RE: Yummy Fish + Chips - LICENCE

We the undersigned use this shop for many years. We are regular customers of Yummy's and since they introduce alcohol - its been wonderful.

We all lived in a retirement home and the shop is just down the road - walking distance.

We all read the newspaper and we are extremely shocked, we cannot believe

MR. WOOD is selling or smuggling illicit goods or involved in any criminal activity. Please do not revoke the alcohol licence since the nearest one to us is in Lincoln Road.

Yours,

PATRICIA EHRENZELLER.

7 MILLFIELD COURT  
DOOGTHORPE RD

MR WALKER 6 MILLFIELD COURT  
DOOGTHORPE ROAD

MR ALAN F. CLAY, 15 MILLFIELD COURT PETERB

## TO THE LICENSING OFFICER

**Re: Mr Warren Wong of Yummy Fish and Chip Shop - Dogsthorpe Road,  
Peterborough.**

I should like this character reference on Mr Warren Wong to be considered alongside other submissions, when the matter of the revocation of his licence to sell alcohol is presented by Officers to the Licensing Committee.

I have been a customer at Mr Wong's shop for almost three years and it has come to my attention from him and the local papers that he is accused of supposedly knowingly selling, or allowing to be sold, alcohol on which duty had not been paid.

When I found out I was surprised and shocked that a local businessman like Mr Wong, who has members of the Constabulary regularly purchasing food from the shop, would even attempt, let alone contemplate such an act of blatant disregard for the Law.

My family have been regular (at least weekly, sometimes twice weekly) customers at Mr Wong's shop and find that the availability to purchase alcohol from Mr Wong very convenient rather than a lengthy drive to a supermarket. I have also never seen any evidence of non-duty paid alcohol on sale in the shop at any time and there has never been any issue with the sale of alcohol from the shop to my knowledge. I would certainly question the evidence that the relevant authorities found to substantiate such a claim.

It seems to me that either Mr Wong has been somehow stitched up by a disgruntled individual or there has been some sort of massive error in the judgement of his character and the way in which this matter has been approached.

Yours, Mr Matthew Dawson,

40 Princes Road  
Old Fletton  
Peterborough  
PE2 8ED

5<sup>th</sup> September 2011

To Licensing Officer,

I would like to offer my support to Mr Warren Wong with regards to his alcohol licence being revoked by Trading Standards.

I have known Warren for over 20 years from when we studied together at the Peterborough Regional College.

His parents owned the shop back then and then Warren took over 6 years ago. I would consider myself a regular customer of Warren's since he opened the shop.

I have always known Warren to be a hardworking, honest and helpful person.

I have seen the application review and I do not believe that Warren is in anyway obtaining illicit, smuggled goods or even involved in any criminal activity as stated by Trading Standards.

Warren obtained the alcohol licence as he saw an opportunity to be unique as he is the only Fish and Chip shop that I know which allows the customer to purchase alcohol, thus offering the customers more convenience by having food and drink in the one place.

I have experienced this convenience on numerous occasions by purchasing drinks with my food as this has saved me from making a trip to the supermarkets.

I would hope that the Licencing committee and Licencing department would take this letter into consideration and decide not to revoke Mr Wong's licence as in the current economic it's good to see someone with some entrepreneurial vision, in having a shop that provides for everyone's needs.

Yours sincerely,

Sanjay Patel

NEIL BARFOOT  
96 CENTRAL AVE  
DUGSTHORPE  
FE1 4LH

DEAR SIR/MADAM

I have been a customer  
at Yummy's fish + chip shop for the past  
6 years the food has been excellent  
and to be able to purchase alcohol at  
the same time as my fish + chips is excellent  
as I don't have to go all over Millfield to  
purchase alcohol the alcohol I purchase has  
always had the proper stamps on them  
I do not believe Mr WONG has sold any  
illicit goods. Please take this letter into  
consideration and not revoke Mr WONG'S LICENCE

yours sincerely

~~Neil Barfoot~~  
5/9/11 ORS

4th September 2011 18 Lung Girth  
Dogsthorpe  
Peterborough  
PE1 3UG

To: - The Licensing Officer

Re: Yummy Fish + Chips

I have used Yummy's  
Fish and chip shop for  
the past 4 years where I  
have always brought  
excellent food and since  
last year all of my alcohol.

I had a 60th Birthday party  
in June of this year and  
all my burgers, sausages  
and alcohol was purchased  
at Yummy's. It was far cheaper  
than buying it in a supermarket  
as I was given a very fair  
price by Mr Wong.

I could not believe what

I read in the local paper,  
about his licence being revoked,  
I have never purchased  
any dodgy alcohol from his  
shop, it has always had  
the proper stamps on it, and  
I feel that they are being  
penalised by being criticised  
and put under suspicion for  
selling cheap alcohol.

Please take this letter into  
consideration as I feel he  
is being victimised and put  
into the same category as  
some local corner shops  
around Peterborough. Yummy's  
Fish and Chips Do Care  
for their customers.

Yours faithfully

(MRS V. ACKINSON)

8 Fengate Close  
Fengate  
Peterborough  
PE1 5AR

5<sup>th</sup> September 2011

To Licensing Officer,

I am writing this letter in support of Warren Wong against the allegations made by Trading Standards.

I have been a regular customer of Yummy Fish & Chips for nearly 6 years and have always enjoyed the food there. Since the shop started to sell alcohol from April this year, it saved me the trips to supermarkets and local off licences. Its convenient to purchase both the food and drinks at the same time, rather than to stop off round the corner shop.

I have read the article in the local newspaper and also read the application to review Mr Wong's Licence. Its unbelievable to see what the newspaper wrote and also ludicrous to see what the Trading Standard have submitted! Just because Mr Wong's are unable to produce invoices for the stock, but have delivery notes, Trading Standards wants to take away the licence?? From what I read, Trading Standards have cut and paste the information from the witness statement, in which the statement was written by a third party. If this was meant to be a joint operation with HMRC, Trading Standards and the Police, then was Trading Standards and the Police present? How could Licensing Department accept this application and refer it to the Licensing Committee?

I do not believe Mr Wong is using illicit goods or involved in criminal activities or even 'smuggling' goods!! The amount of times I see the local PCSOs and Police Officers there buying food, it will be stupid of Mr Wong to do such thing!!

I hope the Licensing Department and Licensing Committee will take this letter into consideration and not to revoke Mr Wong's licence. Its good to see a local shop that caters for everyone's needs!

Yours sincerely

—

Dave Seta

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## Peterborough City Council – Licensing Panel 28/9/11

Defence submission by Cllr Stephen Goldspink on behalf of Warren Wong, Yummy Fish and Chips, 106 Dogsthorpe Road, Peterborough, PE1 3AL

### 1. Preamble

- 1.1 The Trading Standards Department of the Council clearly believe that Members of the Licensing Committee will rely on their authority, and that of the HMRC and Police, or at least will be heavily influenced by these “professional people”, when making their decision.
- 1.2 The assumption that Members are expected to make is that if they, the officials, say that it is true, then it must be true. It is not true, as I will prove beyond reasonable doubt.
- 1.3 I trust Members to look at the actual **evidence** independently. I regret the fact that this submission is large in volume, but trust that Members will see why it has to be so when they examine it.

### 2. Introduction

- 2.1 On 20 April HMRC visited Mr Wong’s premises. A team of four were in attendance – Jeanette Kett, Mary Rogers, David Neve and Paul Wright. They seized alcohol and tobacco for which Mr Wong could not produce invoices that satisfied them that UK duty had been paid. This was entirely a matter of judgement on the part of the HMRC, as although Mr Wong could produce any number of invoices, he readily admitted that because much of the stock seized had not yet been invoiced it would not be possible to provide proper invoicing documentation. This was the result of a straightforward administrative process that had yet to be finalised and not an attempt to be evasive.
- 2.2 Mr Wong produced three hand written delivery notes / invoices handed to him by the supplier who supplied the bulk of the alcohol (“Wholesale Booze” - please see Annexes A, B and C), but these were dismissed as inadequate by officer Kett, who insisted that only a computerised invoice was good enough. She said that anyone could produce hand written invoices (true – but not on the spur of the moment) and only computerised ones would be accepted. This stance puts small suppliers who are not yet IT literate at a distinct disadvantage with the HMRC or any other government agency and begs the question “Is this accepted policy or simply a personal preference?”
- 2.3 At the time, the team advised Mr Wong that if he could produce invoices that satisfied them, the goods could be reclaimed. Otherwise, they would be forfeited and that would be the end of their matter.
- 2.4 Mr Wong could not find invoices that he believed would satisfy the HMRC, although he could find many invoices from wholesalers and supermarkets. He contacted the supplier who had provided the delivery notes but, somewhat mysteriously, the supplier did not answer their mobile phone and he has not heard from them since. This was the first time Mr Wong had used “Wholesale Booze”, so he had never seen an invoice from them and could not examine one to find out more about the supplier. The goods still have not been paid for and so contractually are not Mr Wong’s. As he had not paid for the alcohol (it was only delivered between 1 and 15 days before the visit), and as the tobacco seized was not his, he declined to challenge the HMRC believing it to be a futile exercise and a battle he could not win, safe in the knowledge that, as they had said, forfeiture would be the end of the matter.

- 2.5 At the beginning of August he was visited by Trading Standards officers (who had not been present on the original visit), who advised him that they would be seeking a review of his alcohol licence with a view to revocation. This came as a complete shock to Mr Wong who thought the matter had long since been closed.
- 2.6 Mr Wong contacted me (being an old friend and regular customer) and I discussed the circumstances of the April visit with him and looked at the documentation being used to support the case against him. It immediately became apparent to me that the documentation was flawed and incomplete. Things I noticed straight away were:
- The application was made by Karen Woods, of the Trading Standards Department and was supported by a statement from HMRC officer Paul Terence Cumberland – neither of whom were present on the actual visit.
  - The application refers to a joint initiative by Trading Standards, HMRC and Cambridgeshire Police, but no representatives of Trading Standards or Cambridgeshire Police were present on 20 April.
  - The application appeared to omit key information that was relevant to the case (related to me by Mr Wong) – this is detailed elsewhere in this submission.
  - The HMRC Officer had not included his occupation in the space reserved for that information and had not written in how many pages his statement consisted of.
  - The application appeared to rely wholly on the lack of invoices for its recommendation to revoke the license and revealed no other evidence whatsoever that duty had not been paid. Significantly, the application did not mention that Mr Wong said he could not produce invoices acceptable to HMRC because he had not been billed and had not paid for the goods.
- 2.7 As it was the Council (Karen Woods) who was prosecuting the case, I wrote to Karen Woods on 17 August seeking answers to 26 questions (subsequently supplemented by another three) in order to bring to light evidence that I believed would exonerate Mr Wong.
- 2.8 On the legal advice of Amy Brown in Legal Services, supported by Kim Sawyer, Head of Legal Services, I was told on 18 August that I was not entitled to the information as it was disclosure of information and sensitive personal information and I would have to make a freedom of information request. Knowing that the information requested was vital for Mr Wong's defence, and substantially administrative information, I spoke to the Office of the Information Commissioner on Friday 19 August. They confirmed that the legal advice was clearly wrong in every way and that they were horrified at the way the Council's legal staff were interpreting the law, inviting me to make a complaint. I was told that there was nothing to stop the Council releasing the information – indeed they referred to a relevant exemption (paragraph 35 of the Data Protection Act) that could have been used had it been personal data – but it obviously wasn't personal data.
- 2.9 The Head of Service, Peter Gell, attempted to intervene but merely supported the erroneous advice and incomplete licence review application.
- 2.10 Following failed attempt to get Legal Services to admit their error, I referred the matter to the Chief Executive Gillian Beasley on Friday 19 August; after an initial, incomplete, reply via Kim Sawyer, she promised to meet to discuss the matter with officers on Wednesday 7 September. On 15 September, some 4 weeks after I had raised the matter with her, Mrs Beasley told me that I was correct in my assertions (and therefore the officers were wrong in theirs – please see Annex D for a copy of this response) and that she had spoken to the officers concerned. The speed of this reply not in accordance with the Council's own customer care standards.

- 2.11 The erroneous nature of the legal advice given was most pointedly exposed by a flowchart in the City Council's member Officer Protocol – which the relevant officers did not appear to have read (copy attached as Annex E)
- 2.12 When Trading Standards did reply with answers on 25 August, they answered just 11 out of the 29 questions asked; for the rest, they suggested that I make a Freedom of information request to the HMRC. I have to point out that this was their case, that they decided to bring against Mr Wong, and that they therefore should have taken responsibility for gathering supporting documentation essential for the defence to understand the case. They said that the relevant HMRC officer was on leave and that they would try and get the information. It is concerning that Trading Standards were reluctant to provide supporting evidence to me or to Mr Wong. I would have thought that, at the very least, Mr Wong should have been fully apprised of the weight of evidence against him, particularly as revocation would impact on his livelihood.
- 2.13 No further replies arrived and on 31st August a letter drafted by me was sent by Mr Wong to the HMRC asking 26 questions (please see Annex F).
- 2.14 On 9 September, seven documents were received from HMRC (see Annexes G to M). None of these attempted to answer any of the questions posed in my letter, although eight answers can be deduced. Therefore, questions 4, 6, 7, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25 and 26 remain unanswered after attempts through the Council and direct to HMRC.
- 2.15 Two of the documents are letters dated 20 May allegedly sent to Mr Wong, but Mr Wong said he did not receive these letters. Interestingly, these letters were not initially produced by the Council to support its case, nor submitted by the HMRC, which begs the question why not, and must cast doubt on whether or not they were they actually written and sent on 20 May 2011. The letters confirm that "Customs and Excise will confine their actions to the seizure of goods and to formally warning you", supporting what Mr Wong claimed was said to him on 20 April. One of the letters incorrectly gives the date of the visit as 20 May 2011. As Mr Wong did not receive these letters, he could not react to them or submit a request for review. Given the nature of the letters and the way he reacted when Trading Standards advised they were going to review his license, it is likely that he would have called me then had he received them.
- 2.16 Members will note that one of the letters includes an acknowledgement slip to be completed. The fact that HMRC have not supplied a signed receipt indicates that they did not get one, neither did they chase for it.
- 2.17 Members will note that four statements produced by HMRC were procured as a result of my questions and that Mr Cumberland had to submit an additional statement correcting his original one as the quantities on the original one were wrong. The four new statements are defence evidence, not prosecution evidence, and the prosecution made their case on the basis on Karen Woods' application and Paul Cumberland's statement.

### **3. Salient points from the evidence supplied by the defence - tobacco**

- 3.1 A reference to 3800 Premier King Size blue cigarettes and 2.5 kilos Hand Rolling Tobacco (2 kilos Samson and 0.5 kilos Amber leaf) being seized from shop worker Angela Gilbride is included on the Council's licence review application. Specific reference is also made to them on Paul Cumberland's statement dated 4 August 2011, with the tobacco again associated with Angela Gilbride.

- 3.2 Discussions with Mr Wong indicated that he and Angela Gilbride had given explanations to HMRC officers when they visited as to why the tobacco was on the premises and where it came from, but these were not mentioned in the documents submitted by the Council. The explanation was that she purchased the items for her own use whilst abroad and kept them at the shop to prevent her alcoholic partner from accessing them and selling them to purchase alcohol.
- 3.3 I asked four questions of the Council related to the tobacco, these (and the answers) being:
- “Which law states that an individual cannot store cigarettes or any other goods on the business premises of another person, with their permission?” – There is no law which prohibits the circumstances you have described nevertheless s144 of the Licensing Act 2003 makes it an offence to knowingly keep or allow to be kept any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.
  - “Was the quantity of cigarettes seized from Angela Gilbride within her allowance for personal import” – Peterborough City Council’s Knowledge of the products is as set out at page 4 of the application for review. More information should be requested directly from HMRC.
  - “Did Angela Gilbride state to the visiting officers that the cigarettes were hers personally and if she did, what reason did she give for storing them at the shop?” - Peterborough City Council’s Knowledge of the products is as set out at page 4 of the application for review. More information should be requested directly from HMRC.
  - “Why is a seizure from shop worker Angela Gilbride and identified by being owned by her personally being included in an action against Mr Wong?” - There is no law which prohibits the circumstances you have described nevertheless s144 of the Licensing Act 2003 makes it an offence to knowingly keep or allow to be kept any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

This was an attempt to make the Council find out about the matter as it was a case that they are prosecuting, but they did nothing preferring instead to refer the defence to HMRC. It is a matter of concern that they clearly did not know the answers to these questions and failed to provide proper answers.

- 3.4 Because it was clear the cigarettes should never have been mentioned on the application, on 31 August I included the following comment/question in an email to Kim Sawyer, Head of Legal Services, “The cigarettes were purchased legally, therefore there can be no evidence that they had been imported without payment of duty (except insofar as we can all bring cigarettes back from abroad) and they should not have been mentioned on Karen Woods’ application. Please confirm that reference to this will be removed.” This was restated to Peter Gell, Strategic Manager Regulatory Services, on 1 September.
- 3.5 Peter Gell replied on 5 September as follows: “At this point in time the Service is not satisfied that the cigarettes were purchased legally, should this view change as a result of dialogue with the HMRC, and their presence on the premise no longer be considered as relevant to the premise licence, measures will be taken to ensure that the Licensing Committee is not misled. It may well be that this is a matter for which agreement is not reached, in which case it will be for the Licensing Committee to determine whether the cigarettes have an impact on the Licensing Objectives, and consequently whether it is appropriate for the Committee to take any actions.” This reply confirms that, despite heavy prompting to check the evidence, he simply refused to do so. There is no evidence that he tried to have dialogue with the HMRC and the reference to the cigarettes is still intact to this day. Please see Annex N for relevant correspondence.
- 3.6 As no coherent or evidenced answers were received from Trading Standards and the Head of Service when challenged personally and directly on the matters declined to take any action to prevent the committee from being misled, the four questions were restated in Mr Wong’s letter to HMRC dated 31 August 2011.

- 3.7 When Mr Wong asked HMRC the identical questions set out at paragraphs 3.3 above, they did not answer directly, they instead supplied four new statements dated 6 and 7 September referred to in paragraph 2.14 above.
- 3.8 The comments relating to tobacco and cigarettes in the new statements are fascinating, in that they show Mr Cumberland's statement, upon which a large part of Trading Standards' and the Council's case is built, is incomplete and inaccurate. The Council, of course, refused to check their facts, even when the Head of Service, Peter Gell, was specifically challenged.
- 3.9 Mr Cumberland's original statement mentioned only the quantity of tobacco seized from Angela Kilbride, and made no mention of any of the explanations given. Neve and Rogers make no mention of the tobacco in their statements, and the list prepared by Rogers has no tobacco on it.
- 3.10 However, in his statement, Wright says "At 12.44 hours I was inspecting the stockroom right at the back of the chip shop and I found 2 black carrier bags. Bag one contained 800 Ilpermbep cigarettes and bag two contained 2800 Ilpermbep cigarettes. At 12.47 in the same rear stockroom I found a black carrier bag placed within a white box marked Spavin, and found it contained 2kg Samson tobacco. The pouches had Benelux tax stamps on the back. At 12.50 hours in the same rear stockroom I found a white Tesco's carrier bag which contained 0.50kg of Amberleaf Tobacco and on the pouches they had Benelux tax stamps on the back."
- 3.11 Furthermore Kett says in her statement, "we began an inspection of the entire business premises finding more alcoholic goods at the rear of the shop together with some non-duty paid tobacco goods." (this, of course clearly contradicts Wright who said Benelux duty seemed to have been paid). Kett goes on to say "with regards to the 3800 Russian Cigarettes and 2.5kg of Belgian Hand Rolling tobacco in two different brands found by officer Wright at the rear of the shop, Mr Wong informed me that these items belong to the two girls who work at the shop and that they can't leave them at home. I asked Ms Gilbride if she owned any of the tobacco goods. She then claimed the tobacco and about 15 cartons of cigarettes as being her property. At the end of the lunch time fish and chips trading period, I questioned Ms Gilbride further regarding these tobacco goods. In response to my questions, Ms Gilbride stated that all the goods belonged to her; the cigarettes were given to her as a gift by a friend in June 2011 (sic) and the tobacco she had personally imported from Belgium in March / April 2010. She further stated that she personally smokes the Amber Leaf and her partner the Samson. The cigarettes she does not like. She keeps the goods at the shop to prevent her alcoholic partner from selling them to buy drink and did not admit to selling the goods." Kett then concludes, "due to the circumstances surrounding our find of these goods, I suspected that Ms Gilbride was not holding these goods for her own use and as such I formally seized all the tobacco goods from Ms Gilbride under the same CEMA '79 provisions." Kett does not explain what element of the circumstances made her suspect the goods were not held for Ms Gilbride's personal use. Her conclusion does not follow from the circumstances and is all the more strange given that what her colleague Wright found directly supports the statement of Ms Gilbride.
- 3.12 It is a matter of concern that there is no consistency in these HMRC reports and this implies a distinct lack of professionalism. It is not unreasonable for all parties to this procedure to expect evidence to be submitted that is consistent and reliable in every respect, particularly if decisions could be made that would adversely affect someone's livelihood.
- 3.13 Ms Gilbride has confirmed, by a representation letter dated 30 August 2011, that the tobacco products were hers. In addition she has supplied a "statement of fitness for work" dated 5/7/10 showing her partner to be an alcoholic.

3.14 Finally, I must draw members' attention to the final sentence in Kett's statement, which says, "At no time were Mr/Mrs Wong implicated in this offence". The evidence proves there is no offence for anyone to be implicated in, but the HMRC themselves clear Mr Wong. Of course, had Mr Gell done what was right, just and reasonable in the circumstances, reference to the tobacco would never have been put in front of the committee. Please note how his negligence extends to still doing nothing even after the additional statements procured by the defence were forwarded to him on 7 September. If I can see the facts, why are Trading Standards not competent enough or bothered enough about submitting a truthful and fair case to look at the evidence?

3.15 The facts regarding the tobacco, supported by written evidence, are these:

- HMRC originally supplied the Council with inaccurate, incomplete and misleading information,
- Their officer Paul Cumberland was not shown or chose to ignore the evidence that exonerated Mr Wong
- his incomplete and biased information was used by the Council against the licence holder Mr Wong,
- Even though it was their case, the Council refused to answer the reasonable questions of the defence, preferring instead to pass the buck to the HMRC, and thereby refused to take responsibility for investigating anomalies themselves,
- The Head of Service similarly refused to get involved despite being aware (through the questions being asked and the correspondence) that there might be a problem,
- The HMRC refused to answer direct questions and instead supplied statements, but not the original, first hand, contemporaneous documents; note also that they have supplied no separate list of the tobacco.
- The Wong's reputation has been seriously damaged by the negligence and apparent conniving of the HMRC and Trading Standards.
- As a result of the above, there appears to be no case to answer.

3.16 Therefore I believe that evidence and natural justice demands that reference to the tobacco should be completely discounted by the committee.

#### **4. Salient points from the evidence supplied by the defence - general**

4.1 In answer to my question "What evidence do you and HMRC have that the goods seized are illicit", the Council responded, "Paul Cumberland in his statement of 4 August 2011 has confirmed that the goods are illicit with reference to the Customs and Excise Management Act 1979". Mr Cumberland was not present on the visit and the Council appear to be entirely reliant on his evidence for the review application – third party, hearsay, evidence. Significantly, HMRC do not tell us how Paul Cumberland reached his conclusion that the goods are illicit.

4.2 In answer to my question, "Is the alcohol seized devoid of a mark that a reasonable person might accept to be that affixed to a bone-fide, duty paid item. If so, please list which items do not carry such a mark or which items have an invalid mark", the council responded, "Peterborough City Council's knowledge of the products is as set out at page 4 of the application for review. More detailed information should be requested directly from HMRC."

4.3 When Mr Wong asked HMRC the identical questions set out at paragraphs 3.3 above, they did not answer directly, they supplied four new statements dated 6 and 7 September. However, when these statements are read it becomes clear that:

- The only evidence HMRC have is that Mr Wong could not supply documentation that they regarded as acceptable; it was made clear to Mr Wong that their requirements were non-negotiable.

- Jeanette Kett's account that "no paperwork had been supplied by either Ahmed or the delivery driver" was blatantly untrue – it was simply that she was not prepared to accept the paperwork supplied as being adequate.
- The only reference to any evidence of illicit purchases, other than the alleged lack of documentation, is on Paul Edward Wright's statement, where he said "At 13:04hrs in the stockroom I found a 1.5l bottle of Smirnoff Vodka 37.3%ABV which had no UK Duty Stamp on the bottle." However, he fails to mention that Mr Wong told him that the bottle was his own personal item brought back from the continent.

4.4 In his original statement dated 4 August 2011, Mr Cumberland says, "I have examined the reports concerning the visit." Clearly that cannot be Wright's statement dated 6 September 2011, Neve's statement dated 7 September 2011, Rogers' statement dated 7 September or Kett's statement dated 6 September as they were written a month after Cumberland's statement. When I asked the Council to supply them, they replied, "We do not have copies of the reports referred to by Paul Cumberland in his statement. This information should be sought directly from HMRC." Mr Wong asked HMRC the question, they did not reply, instead sending five unsigned statements and two letters (that Mr Wong said he never received) presumably to answer all the questions raised. Therefore, nobody except Mr Cumberland has seen the original reports, including the Trading Standards Department of the Council, and both the Council and HMRC have failed to provide them on request. We believe that the reports consist of the contemporaneous notes made by the visiting officers in their notebooks and what they may have verbally relayed to Mr Cumberland, but nobody really knows. Why have requests to supply the original, first hand, contemporaneous documents been ignored? They are critical to the case and should be the basis for their case. Why are they so reluctant to provide even the most basic supporting evidence?

4.5 I therefore contend that the original licence review papers contained no credible or tangible evidence of avoidance of duty, and subsequent investigations have been obstructed by the Council and HMRC but where additional evidence has been produced, it merely confirms the paucity of the HMRC and Council's case, the tendency for all those involved in the prosecution to not tell the whole truth and the complete absence of hard credible evidence to support the application. David Neve says "KETT and ROGERS ... kept details in their notebooks", but these have never been produced despite several requests. If what Neve said is true, why have the HMRC been so reluctant to provide the notebooks?

## **5. The Cambridgeshire Police representation**

5.1 The letter dated 6 September 2011 allegedly written by PC Grahame Robinson makes many comments, most of which cannot be supported by evidence because, as has been proven above, there is none (please see Annex O for a copy of this letter).

5.2 Worse than this, after a brief introductory statement, the first paragraph outlines an incident that is clearly meant to implicate Mr Wong, and yet the detail is so vague that it cannot even be classified as hearsay, examples below:

- "Police became aware of information" – how did they become aware, what information, how was it reported, who reported it, what is the credibility of the witness or witnesses?
- "That an Asian male" – most people in the UK would assign the term "Asian" to someone from the sub-continent, not Chinese or residents of Hong Kong. What is the full description of the male? Is that really the best description he could provide? Let us remind ourselves that Grahame Robinson is a police officer who is used to providing clear and concise information that would be used in Court. Why is he so vague and would a Court accept evidence of this sort?
- "Was selling illicit cigarettes" – how did the informant know that they were illicit? Did he / she actually examine them, what brand of illicit cigarettes, how many, how often, to whom?
- "From the back door of a premise named as Yummy Fish and Chips" – precisely which door, because if it was inside a fence how did the informant see it? If it was at the gate, how did

police and / or the informant know that Yummy Fish and Chips were in any way involved? Given that the HMRC state that “At no time were Mr/Mrs Wong implicated in this offence”, and that Angela Gilbride is a female, or what relevance is the sighting of an Asian male doing whatever he was allegedly doing to this case?

- “This information would have been disseminated to other law enforcement agencies” – was it, or wasn’t it? If it was, who disseminated it, to what agencies, when and why? If it wasn’t disseminated, why is it implied that it was?
- “Illicit goods were seized” – no, they weren’t and if PC Robinson had read the Council’s application and used his rudimentary police training, he would have seen the same holes in the case that I did, most notably that the HMRC statement was from someone who had “read the reports” and who, therefore, did not attend himself.
- What this policeman has done is draw in hearsay about an incident that may or may not have happened (there is no real evidence or facts to support the case that it did) to support the dubious hearsay evidence of another official.

5.3 The next two paragraphs are presented in inverted commas. I am sure you are wondering, as I was, why this is. The words illicit, counterfeit, harmful, children, crime, “large quantity of alcohol” are sprinkled liberally through the text. This style is identical to the style used by Trading Standards. Please see Annex P for a copy of the covering email sent by PC Robinson with his letter, which states ““Hope they are sufficient?” The obvious question is, “sufficient for what?” What do the inverted commas signify? I do not believe that the views expressed are those of the Police.

5.4 The second paragraph, also in the same style as Trading Standards, has the same unwarranted assertions as exist in the first, in particular:

- “The amount of revenue due on the seized goods is considerable” – as the Council and HMRC declined to define “considerable” when questioned, the reader is left with the “authority” of the police that this must be true. However, note how the alleged value of revenue lost is included (which includes the tobacco), rather than using quantities. Perhaps this is because a revenue figure in thousands is more likely to secure a result that quoting quantities, which can be more easily related to turnover? Tax on alcohol is notoriously high, so a large total can quickly build up even if the quantity is quite modest (please see section 6 for comments on values).
- “The amount of alcohol and tobacco clearly indicate an intention to retail illicit goods for the benefit of the owner” – really? How is that conclusion reached? Does that mean if it was a small amount there would not be an intention for the owner to benefit? If that is the case, why have trading Standards sought revocation for the tiniest volumes and values found? The owner of the tobacco is proven to be Angela Gilbride, or at least Mr/Mrs Wong were not implicated – facts that this policeman and HMRC and Trading Standards conveniently left out of their original accounts of the visit, supplied by Paul Cumberland, who was not there.
- “My concerns lie with the fact that this location is a small residential fish and chip shop in possession of such a large quantity of alcohol, particularly spirits and tobacco goods” – the shop is licensed to sell alcohol and the quantity is irrelevant; the owner is entitled to keep what stock he wants and it is nonsense to criticise him for a personal business decision, and thereby imply wrongdoing (please see section 6 for comments on quantities).
- “The license for the venue covers off sales only and does not allow for consumption of alcohol on the premises” – this is new, a suggestion that alcohol is being consumed on the premises, for which no evidence whatsoever has been produced by anyone. In context, it is more than just a statement of fact. This could be seen as another attempt to tarnish Mr Wong’s reputation and influence the committee to find against him.
- “The owner has failed to submit any notice of claim against the forfeiture, evidence which would ultimately disprove involvement in the offence” – which actually says “therefore, he is guilty”. However, see paragraph 2.15 above. In addition, PC Robinson seems to have forgotten that the committee decide whether or not Mr Wong is guilty and should have his license revoked, not him, and that there is an appeals process via the Magistrates Court, if



required. In any case, Mr Wong could not supply evidence that would satisfy HMRC as he had not been invoiced for the goods, nor had he paid for them, and HMRC rejected the only documentation that he had – handwritten delivery notes.

- 5.5 The term “small residential fish and chip shop” is as prejudicial as it is meaningless, because it implies that there are large residential fish and chip shops and small and large industrial or commercial fish and chip shops; this is, of course, nonsense as most fish and chip shops are almost identical to Mr Wong’s, unless they are also a restaurant or are, perhaps, in a seaside resort. Its inclusion, however, is likely to pre-condition the mind of the reader to make judgements that they would not otherwise make.
- 5.6 The final paragraph, again in a style similar to that used by Trading Standards, makes a statement that, in view of everything else that has gone before, is utterly astounding:
- “Due to irrefutable evidence of illicit trade” – how has the writer of this statement (presented with all the authority of a police licensing officer) reached the conclusion that the evidence is “irrefutable”. What place is there for such a strong, unsubstantiated opinion in an official letter from the Police? Especially when the evidence clearly shows that that opinion is totally wrong.
- 5.7 The subtext of this letter is absolutely clear, “Wong was seen selling illicit cigarettes from the back of his shop, so HMRC carried out a raid and found illicit cigarettes and alcohol. The man is involved in the sale of illicit and / or counterfeit goods and may be supporting organised crime and this can particularly hurt children. There’s a large sum of money involved and he would benefit by that sum. It was an excessive quantity of alcohol to have in stock for a very small chippy in a suburb, so he must have been up to no good. Probably there was drinking on the premises as well, which is not allowed. He must be guilty because he’s submitted no claim against forfeiture. I, an experienced policeman, want his licence revoked and I hereby certify, on official police notepaper, that the evidence is irrefutable.” I challenge Members to consider whether or not that is the view that they formed when they read this sordid letter.
- 5.8 PC Robinson has included in his letter unwarranted assumptions, circumstantial evidence, emotive terminology, innuendo, smear and factual inaccuracies. It seems that he has made no attempt whatsoever to examine the evidence personally before writing his letter. His letter will undoubtedly damage Mr Wong’s reputation and is almost certainly defamatory because it is unsupported by facts and evidence.
- 5.9 General concerns about the letter were drawn to the attention of Superintendent Andy Hebb on 14 September 2011 in the form of a set of questions, and he was invited to review and withdraw the letter. As at 6.30 p.m. on Monday 19 September, no substantive reply has been received, although the police (through Supt Paul Fulwood) have indicated that they will respond tomorrow (20 September), which is too late to meet the Council Committee Agenda Pack publication deadline. As the letter has not been withdrawn, it is now Mr Wong’s intention to lodge a complaint with the Independent Police Complaints Commission. This will be confirmed at the hearing.
- 5.10 I cannot believe that the Crown Prosecution Service or a Court would ever accept a letter of this sort as corroborating evidence and I submit that Members should strike this letter from the records of the case and discount it from their deliberations.

## **6. Quantities of stock**

- 6.1 Finally, I must deal with the persistent references to quantity and price (“large quantity”, “considerable” revenue, “benefit of the owner”, etc, etc) and the implicit suggestion that Mr Wong is trading huge quantities for a small premises.

- 6.2 Annex Q is a table of all of the goods received from “Wholesale Booze”; this formed around 90% of the confiscated stock, the exceptions being what had been sold in the three weeks before the visit, plus champagne and brandy that Mr Wong identified as his own, purchased duty free. Naturally this explanation cut no ice with the supercilious HMRC staff, who at one point during the inspection said that they could confiscate everything in the shop if they wanted to. It rather suggests the use of scare tactics.
- 6.3 All of the spirits, except those mentioned in paragraph 4.3 (Mr Wong’s personal stock, imported legally) carried a mark showing that UK duty had been paid. The HMRC and Trading Standards have never stated otherwise despite being asked direct questions on the matter. There is no such mark on wine and beer and therefore no visual check is available to a purchaser of these items.
- 6.4 Annex R shows Mr Wong’s estimates of consumption. It shows an average consumption from January 2011 to June 2011 as follows:
- Wine – 8 bottles a week = 6 litres per week
  - Spirits – 7 bottles per week = 4.9 litres per week
  - Beer – 12 four packs per week = 24 litres per week.

The seizure made was as follows:

- Wine – 237 litres = 39 weeks supply
- Spirits – 75.55 litres = 11 weeks’ supply
- Beer – 549.2 litres = 23 weeks supply

I don’t know whether or not Members would consider this excessive or not, but at least a rational analysis of the figures is better than arbitrary and prejudicial use of the word “large”, with no reference point for Members to make a rational and fair judgement.

- 6.5 To benefit from the alleged illicit trade, it would be necessary for Mr Wong to achieve a larger profit than he might get from buying “legitimate” alcohol. As the HMRC themselves stated on the visit that his prices were suspiciously low, that would mean he had to buy excessively cheap to make the whole alleged illicit trade worthwhile.

Needless to say, the evidence of purchase prices does not bear that out but I will confine myself to three typical examples shown on Annex S, a Hyperama Wholesale invoice dated 22 August 2011. This shows the following prices, with “Wholesale Booze” prices alongside (ex VAT):

<b>Product</b>	<b>Hyperama price</b>	<b>Wholesale booze price</b>
Vodka - per bottle	£7.79	£8.00
Stella lager - per case of 6	£20.99	£20.00
Tyskie Beer – per case of 6	£21.99	£21.50

The defence can show that these examples are typical and that therefore there is no financial benefit whatsoever for Mr Wong in taking goods from an alleged dubious source.

- 6.6 As a final comment on the “it must be illicit because you are selling it so cheap” argument, the defence produces Annex T, a copy of a Morrisons advert from the Daily Mail on Saturday September 17 2011. This shows that they are **selling** Kronenbourg 1664 at £15 for 24 cans, or £2.50 for four cans – including VAT. Mr Wong was **buying** the same product from Wholesale Booze for £21.60 for 24 cans, or £3.60 for four cans. Given the proven arbitrary and superficial nature of Trading Standards case and their apparent preoccupation with values as opposed to quantity and turnover, perhaps they, the HMRC and the police would like to explain why they are spending the majority of their time investigating small businesses and no time at all investigating major retailers who, using their own logic and given the very low prices, surely must be the biggest vendors of smuggled and illicit alcohol of all?
- 6.7 Needless to say, any arguments about price and quantity are as invalid as every other aspect of this case.
- 6.8 It also follows that, with no evidence that the goods looked illicit, and no indication that they were illicit from the price, Mr Wong could not have known or suspected that they were illicit at the point of purchase.

## **7. Statement by Warren Wong covering matters that may be of interest to the committee.**

I am completely stunned and baffled by this whole incident. When the raid took place in April 2011 I naturally felt a little foolish when I could not produce invoices for the stock that had arrived from Wholesale Booze and that I had selected this supplier for convenience and the fact that he delivered to other shops in the vicinity. As I work six days a week, 12 hours a day, any supplier offering convenient delivery rather than requiring me to make a visit to their premises is worth considering. His prices were reasonable, but the convenience aspect was most important to me. It is not unusual for suppliers to invoice at the end of a month rather than requiring a separate invoice per delivery, or cash on delivery; after all, he knows where to find me if I don't pay.

I co-operated fully with the HMRC, personally leading them to every storage space in the shop, but was somewhat intimidated by their forceful and authoritarian approach, which included demanding my car keys and searching my bins as well.

All of the spirits purchased from “Wholesale Booze” carried a mark that I believed to indicate that UK duty had been paid, and Trading Standards and the HMRC have not disputed this or commented on it in any of their evidence – despite Cllr Goldspink and me asking specific questions about it (which remain unanswered).

Having recovered from the incident and the additional trauma of having my legally acquired personal stock confiscated and the legally purchased tobacco belonging to Angela Gilbride removed, I decided that the hassle of challenging for the 10% of alcohol that was mine and that I had paid for (for which I had no receipts) and Angela's Tobacco (for which she had no receipts) was likely to be abortive. Safe in the knowledge that confiscation was the end of the matter, I put the incident down to experience and went back to work.

I did not receive the two letters dated 20 May 2011 and if I had done I would have called Cllr Goldspink then to ask for help. Effectively, therefore, the seizures are illegal as proper notice was not given.

## 8. Summary.

- 8.1 There is no case to answer, as all the evidence is contrived, circumstantial or third party. There is no evidence of tobacco infringements at all against Mr and Mrs Wong (certified by HMRC themselves), no evidence of illicit purchases or sales, smuggling, crime or any other wrongdoing by Mr Wong in relation to licensing law and no evidence of profit being made from the confiscated goods.
- 8.2 There is also no evidence that Mr Wong could have known that what he was purchasing from "Wholesale Booze" was, or might be, illicit by reference to price or identifying mark.
- 8.3 The Council's case is littered with mistakes, contradictions, assumptions and omissions. Given this, officers of the Council must surely believe that Members of the Committee are too stupid or too busy to properly examine the case. They are banking on using strong phrases and unwarranted statements and assumptions, without being caught out, and hoping the "authority" of three official bodies will ensure that they get a result, whatever the actual evidence may say.
- 8.4 Mr Wong has an excellent name in the community and numerous people have come forward voluntarily to support him because they know the case against him must be false. Anyone who knows him also knows that the charges are manifestly outrageous and false.
- 8.5 May I remind Members that English Law is firmly based upon a presumption of innocence? The Latin term "Ei incumbit probatio qui dicit, non qui negat" means "the burden of proof rests on who asserts, not on who denies". In that respect, someone less charitable than me would conclude that numerous officers at Peterborough City Council have manifestly failed to prove anything except that:
- They are incompetent and arrogant.
  - They strive to hide their incompetence and obstruct justice.
  - They have failed to provide rudimentary evidence to support their case.
  - They are unwilling to admit their mistakes or make any sort of apology for them.
  - They will stop at nothing to discredit and frame anyone who dares to challenge them, including conspiring with other agencies.
  - They do not wish to be held accountable for their actions, even by elected Members

But don't take my word for it – please look at the evidence properly and thoroughly.

Cllr Stephen Goldspink, representing Warren Wong  
19 September 2011





# Invoice

59848

From  
**WHOLESALE GOOZE**  
**WINE & SPIRITS**  
**LONDON...**

To  
*Young Gift + chips*

Date *19-4-2011* Terms Order No.

Quantity	Description	Unit Price	Total
25	Hefias Red/White/Black	15	375
1	Vince Lakes Vodka x 6	9.50	9.50
1	Aros Vodka x 6	8	48
1	Perpetua Vodka x 6	8	48
1	Kirouan Vodka x 6	8	48
5	Export	18	90
5	1664	18	90
5	Vodka	17.50	87.50
5	Stella	20	100
5	Tyskie	21.50	107.50
5	Wah	21.50	107.50
2	Beck's	22	44
<i>Happy Easter!!</i>			
			1223.40

V.A.T. *17.07*

TOTAL *1240.47*

L

**From:** Scott Emily [mailto:emily.scott@peterborough.gov.uk]  
**Sent:** 15 September 2011 16:33  
**To:** Cllr Goldspink Stephen  
**Subject:** Access to information issues

Dear Stephen

### **Access to information issues**

I am sorry it has taken me a while to come back to you but I have taken some time to consider the emails passing between yourself and officers as well as discussing further with Kim our responses and actions in this matter and receiving briefings on the law.

To set the scene, I understand that HMRC found alcohol and tobacco products at Yummy Fish and Chips which they considered, having reference to the Customs and Excise Management Act 1979, to have no duty paid.

The trading standards team became aware of HMRC's discovery as they had been working alongside them in a wider enforcement exercise. As such, and in accordance with their obligations under the Licensing Act 2003, trading standards requested a review of the premises licence in order that a decision could be taken as to what, if any, action is required to ensure that licensing objectives are met.

Trading standards are defined as a 'responsible authority' by licensing legislation and in this capacity have a distinct and separate role to the Council. Indeed, guidance specifies that representations made by a department of the Council which is a responsible authority should be treated in precisely the same way as representations made by any other body or individual. This is of course necessary to ensure that parties are treated equally.

The Council, in its capacity as licensing authority is tasked with ensuring that the review is appropriately determined. In this context, it appears, that when a request is made the Council has very limited options through which it can refuse to hold a review hearing. An example of this is if the ground is not relevant to one or more of its licensing objectives. Trading standards have cited the prevention of crime and disorder as the relevant objective with reference to the information provided by HMRC. Nevertheless, whilst the Council cannot refuse to hold a hearing the Licensing Committee does have discretion as to what to do about the matter when it considers the review.

At the hearing, you, as Mr Wong's representative and the responsible authorities (i.e. trading standards and Cambridgeshire Constabulary) will all be given an opportunity to make representations to the Licensing Committee which are relevant to the application and, where permission is given by the Chair, ask questions of each other. I understand that arrangements have also been made for representatives of HMRC to be in attendance and no doubt you will seek permission to also ask questions of them should you consider it necessary to do so. It will then be for the Licensing Committee to determine what if any further action is required in relation to the premises licence.

The review of a licence by Licensing Committee is a serious issue for any licensee, as it could result in a licence being revoked which would have a significant impact on the licensee's business. You quote in at least one of your emails that "the law and natural justice" requires the council to consider your questions. Mr Wong's business could be adversely affected by any decision of the Licensing Committee and he should know what information has been given to the Council by HMRC which has prompted a request for a review. The question the Council needs to address is how we ensure that a licensee or his duly appointed representative gets the information to enable him to understand why the review has been requested by the responsible authority ie Trading Standards and to enable the licensee or his duly nominated representative to make representations to the Licensing Committee and properly address the issues concerned.

I have read your email to Karen Woods of the 17<sup>th</sup> August where you set out that you are representing Mr Wong in the matter of his license review. You further state that you had known "Warren" for 20 years. You then proceeded to ask twenty five questions of Karen (though you did say that most of the questions relate to the HMRC operation and you did offer to correspond with them). You added a



further question in an email on 17<sup>th</sup> August 2011 as well as a request for “notices, letters, emails and other documents etc”. The letter was signed off by you as Stephen Goldspink, Councillor, East Ward.

Having spoken to Kim, I understand that the legal officer looked upon that email, in giving legal advice, as you requesting, as a Councillor this information, even though Mr Wong was not resident in your ward. The legal officer was therefore drawn to consider the rules on access to information for Councillors and concluded that you did not have a “need to know” as Mr Wong did not live in your ward.

The legal officer then concluded that your requests, as a Councillor, should be considered under the Data Protection Act and the Freedom of Information Act. You however made the point, quite rightly, that you had not made an application under the Freedom of Information Act. Having said that I do believe that the officer concerned was trying to disclose the information to you, because having decided that the council could not do it under the “need to know” provisions she then looked at other ways to disclose the information to you. Officers were also obliged to have regard to an agreed protocol between trading standards and HMRC which equally governed the information they could make available to you.

In reviewing officers actions and having spoken to Kim it is clear that as a duly authorised representative of Mr Wong and whether or not you are a Councillor, with Mr Wong’s consent you can receive the information which the Council had in order to represent Mr Wong and this should have been the route to provide information to you from the start, thereby avoiding protracted correspondence. I understand that you have now been given this information.

As a result of all of this I am clear that lessons need to be learnt and I know that all the officers concerned will take on board these lessons as I have spoken to them personally.

Finally in relation to the other matters you raise I would like to meet with you to discuss them. I know you are very busy and I am quite happy to meet in the evening. One of the reasons I want to meet with you is to discuss a way to deal with these issues more effectively but also to understand the view expressed to you by the Information Commissioners that “they were horrified at the way the Data Protection and Freedom of Information Acts were being applied by Peterborough City Council” which you relayed to Peter Gell (cc to me) in an email of 20 August 2011.

Regards.

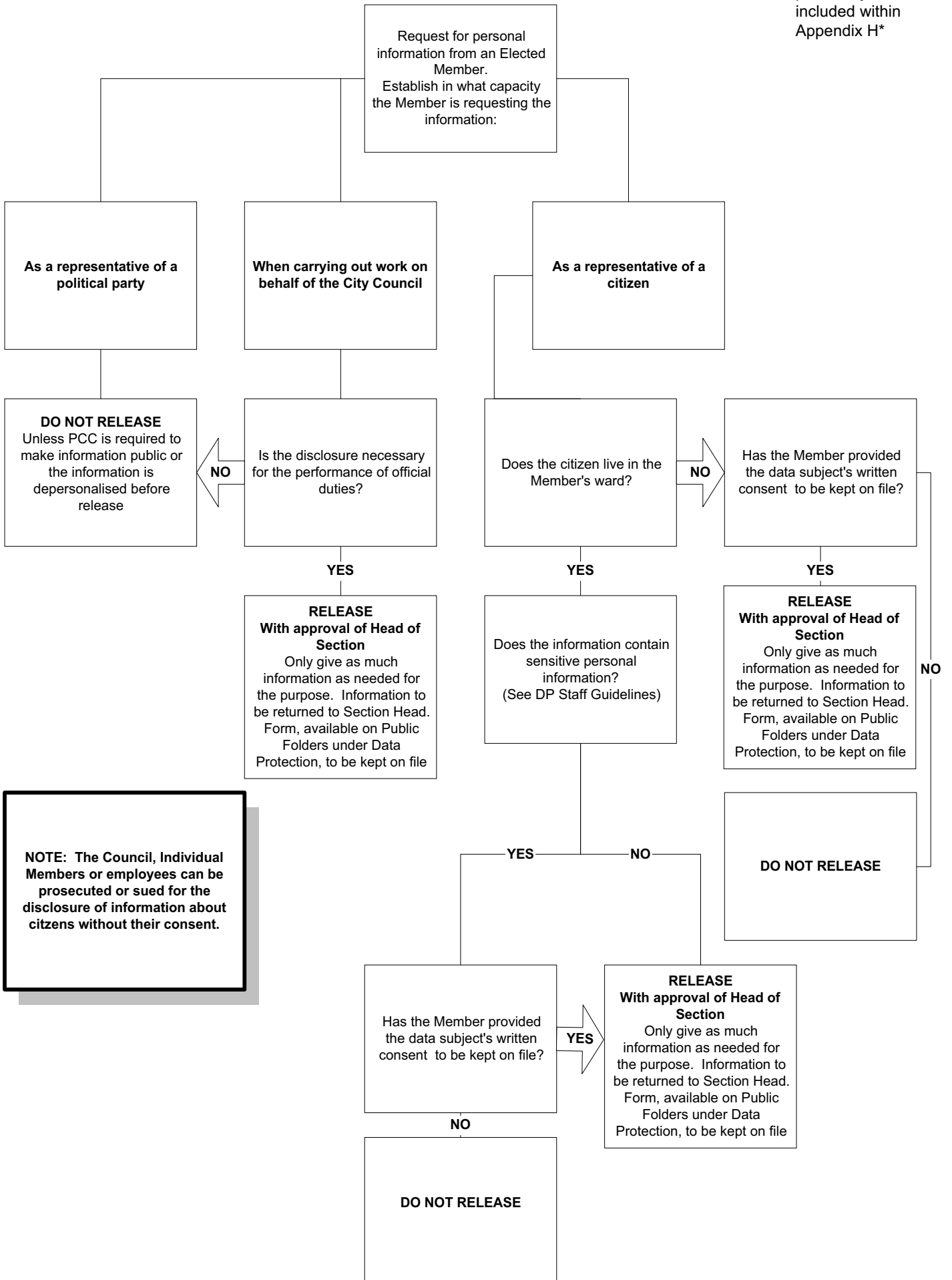
Gillian

**Emily Scott**  
**Office Co-ordinator to the Chief Executive**  
**Peterborough City Council, Town Hall, Bridge Street, Peterborough, PE1 1HL**  
**email: [emily.scott@peterborough.gov.uk](mailto:emily.scott@peterborough.gov.uk)**  
**Tel: 01733 452405**

# DISCLOSING PERSONAL INFORMATION TO ELECTED MEMBERS

Annex E

\*Document previously included within Appendix H\*



**NOTE: The Council, Individual Members or employees can be prosecuted or sued for the disclosure of information about citizens without their consent.**

Yummy Fish and Chips  
106 Dogsthorpe Road  
Peterborough  
PE1 3AL

31 August 2011

Mr PT Cumberland  
HM Revenue and Customs  
Haven House  
Ipswich  
Suffolk  
IP4 1DN

Dear Mr Cumberland

You have supplied a witness statement dated 4 August 2011 to Peterborough City Council that makes very serious allegations about me and my business. In order to defend myself against these allegations (a principle of natural justice), I requested certain information from Peterborough City Council, who are prosecuting the case. For most of the matters, they have referred me to you.

I do not agree with this referral and am challenging it, but I must have the supporting documentation to fight my case. Therefore, I need you to supply me with answers / information as follows:

1. What definitive evidence do the HMRC have that the goods seized are illicit?
2. Please supply a full inventory of the goods seized including bottle / packet size, count, brands, etc
3. Is any of the alcohol seized devoid of a mark that a reasonable person might accept to be that affixed to a bone-fide, duty paid item? If so, please list which items do not carry such a mark or which items have an invalid mark.
4. How would HMRC officers prove that a particular item was that referred to on a particular invoice?
5. What definitive evidence do HMRC have that duty was not paid on the items seized?
6. Which law states that an individual cannot store cigarettes or any other goods on the business premises of another person, with their permission? Please quote act and reference.
7. Was the quantity of cigarettes seized from Angela Gilbride within her allowance for personal import? If not, what is the limit?
8. Did Angela Gilbride state to the visiting officers that the cigarettes were hers personally and, if she did, what reason did she give for storing them at the shop?
9. What law permits HMRC to seize personal items from an individual? Please quote act and reference.
10. How many previous offences do the HMRC have recorded against Mr Wong?
11. What reasons did Mr Wong give to HMRC officers for being unable to produce receipts and why are these not mentioned in your statement?
12. What specific evidence do you have that Mr Wong is engaged in criminal activity?
13. What specific evidence do you have that the tobacco and alcohol seized from Mr Wong's shop was smuggled?
14. Please let me have the names and roles of all the people who visited Mr Wong's shop on 20 April 2011.
15. Why is a seizure from shop worker Angela Gilbride and identified as being owned by her personally being included in an action against Mr Wong?
16. Mr Wong did produce some invoices to the inspection team. Why is this not mentioned?

17. Did Mr Wong identify any of the seized alcohol as being his personally? If so, why is this not mentioned on your form?
18. Were you (Paul Terence Cumberland) present at the inspection on 20 April 2011?
19. What is your occupation (it cannot be "HM Revenue and Customs – that is who you work for)?"
20. The number of pages has not been completed on your statement. Why not, and how many pages are there?
21. Apart from the proprietors inability to produce invoices or receipts to prove duty paid, what other evidence do HMRC have that United Kingdom Excise Duty has not been paid?
22. Where are the goods confiscated from Mr Wong now?
23. What prompted the swoop on Mr Wong's premises?
24. What good and valid reason did HMRC and trading standards have for going in?
25. If they had been keeping an eye on the place beforehand there had to be a reason why they suspected something criminal was going on – please confirm.
26. In your (Mr Cumberland's) statement, you say "I have examined the reports concerning the visit". Clearly the defence needs sight of the reports referred to so we can confirm the accounts therein. Please supply them.

I need this information by no later than Friday 9 September 2011, and would be grateful if you would give this request your urgent attention.

Please send your reply directly to my representative, Cllr S Goldspink, Mosi-oa-Tunya House, 42 Burnt House Road, Turves, Peterborough. PE7 2DP. email [stephen.goldspink@peterborough.gov.uk](mailto:stephen.goldspink@peterborough.gov.uk), and copy me in (my email address is

Yours sincerely

Warren Wong  
Yummy Fish and Chips

**WITNESS STATEMENT****ENGLAND AND WALES ONLY**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: **JEANNETTE ANN KETT**Age if under 18: 'over 18' (If over 18 insert 'over 18')  
CustomsOccupation: **Officer of HM Revenue &**

This statement consisting of 02 pages 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.

Signature: \_\_\_\_\_

Date: 6<sup>th</sup> September 2011

I am an officer of HM Revenue & Customs currently engaged on Criminal Investigations Inland Detection duties and based at Nelson House, Prince of Wales Rd, Norwich in Norfolk. On the 20<sup>th</sup> April 2011 whilst on duty in Peterborough, Cambridgeshire, together with my colleagues M. Rogers, P. Wright and D. Neve, I entered the premises known as Yummy Fish and Chips at 106 Dogsthorpe Road for the purposes of a Customs and Excise Management Act 1979 (CEMA '79) section 112 inspection.

Immediately I could see on shelves behind the counter alcohol for sale. After introducing ourselves to the owner of the shop, a gentleman calling himself Mr Warren WONG giving a date of birth as 15/06/74 and also to the shop assistant, a female calling herself Angela Mary GILBRIDE giving a date of birth as 03/09/58, we began an inspection of the entire business premises finding more alcoholic goods at the rear of the shop together with some non UK duty-paid tobacco goods.

With regards to the alcoholic goods inspected, under section 118B of CEMA '79, invoices were called for in order to determine the duty status of the goods. In respect of the alcoholic goods (as per associated copies) which were detained (and subsequently seized), no invoices were produced. Mr Wong informed me that he had placed a telephone order with a person known as 'Ahmed', a London wholesaler earlier the same week with the goods being delivered to the shop yesterday (19/04/11) by a Polish male in a plain, red van. I was further informed that

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

**WITNESS STATEMENT****ENGLAND AND WALES ONLY**

(CJ Act 1987, s.9; MC Act 1990, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

\*Document also  
included previously  
in Appendix D\*

Statement of: JEANNETTE ANN KETT

no paperwork had been supplied by either Ahmed or the delivery driver. I therefore detained all items supplied by Ahmed and not supported by an invoice pending production of the relevant invoices by Mr/Mrs Wong. With no invoices forthcoming, I formally seized the alcohol (549.2 litres beer, 234 litres wine and 75.55 litres spirits) from Mr and Mrs Wong on the 20<sup>th</sup> May 2011 under the terms of sections 49(1) and 124 of CEMA '79. Other goods originating from suppliers where supporting invoices were present were left in situ on the premises. With regards to the 3800 Russian cigarettes and 2.5 kgs Belgian hand-rolling tobacco in 2 different brands found by officer Wright at the rear of the shop, Mr Wong informed me that these items belong to the 2 girls who work at the shop and that they can't leave them at home. I then asked Ms Gilbride if she owned any of the tobacco goods. She then claimed the tobacco and about 15 cartons of cigarettes as being her property.

At the end of the lunch time Fish and Chips trading period, I questioned Ms Gilbride further regarding these tobacco goods. In response to my questions, Ms Gilbride stated that all the goods belonged to her: the cigarettes were given to her as a gift by a friend in June 2011 and the tobacco she had personally imported from Belgium in March/April 2010. She further stated that she personally smokes the Amber Leaf and her son and partner the Samson. The cigarettes she does not like. She keeps the goods at the shop to prevent her alcoholic partner selling them to buy drink and did not admit to selling the goods. Due to the circumstances surrounding our find of these goods, I suspected that Ms Gilbride was not holding these goods for her own use and as such I formally seized all the tobacco goods from Ms Gilbride under the same CEMA '79 provisions. At no time were Mr/Mrs Wong implicated in this offence.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

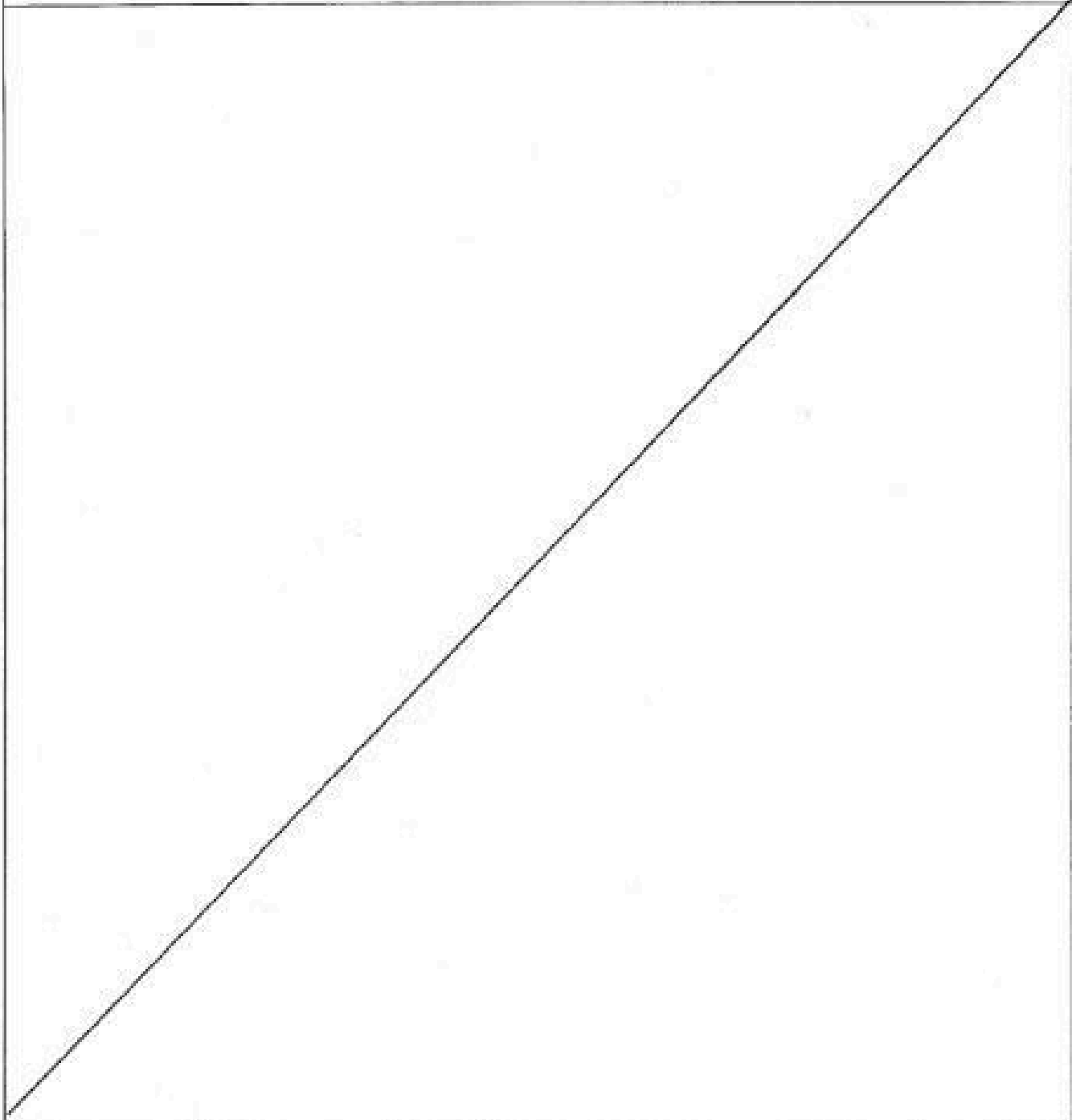
**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

**WITNESS STATEMENT**  
**ENGLAND AND WALES ONLY**

(CJ Act 1967, s.9; MC Act 1980, ss. 5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

\*Document also included previously in Appendix D\*

Statement of: **JEANNETTE ANN KETT**



Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(CJ Act 1987, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

\*Document also included previously at Appendix D\*

Statement of: Paul Terrence O'Donohue

Age if under 18: Over 18 (If over 18 insert 'over 18')  
Customs

Occupation: Higher Officer H M Revenue and

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.

Signature:

Date: 9<sup>th</sup> September 2011

Further to my statement dated 4<sup>th</sup> August 2011 in relation to a visit made by HMRC Officers at Yummy Fish and Chips 106 Dogsthorpe Road Peterborough PE1 3AL.

After reviewing further case documents, I can advise that the total litres of Wine seized was 234 and total litres of Beer seized was 549.2

The Revenue figure remains unchanged as per my original statement.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**



**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: David NEVE

Age if under 18: **over 18** (If over 18 insert 'over 18')

Occupation: Officer of H M Revenue &amp; Customs

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.

Signature: \_\_\_\_\_

Date: 07/09/2011

I am an Officer of HM Revenue & Customs based at Custom House, Viewpoint Road, Felixstowe IP11 3RF. I have been an officer for 9 years. I currently work on the Road Fuel Testing Unit (RFTU) and my main duties are concerned with the detection of the misuse of hydrocarbon oils. I am also trained to undertake other detection duties.

On Wednesday 20<sup>th</sup> April 2011 I assisted in the inspection of Yummys Fish & Chip, 106 Dogsthorpe Road, Peterborough, PE1 3AL with fellow officers Jeannette KETT, Mary ROGERS and Paul WRIGHT. These officers were from the Inland Detection teams based in Norwich, Chelmsford and Ipswich.

We arrived at the premises at about 12:40 hours and officers KETT, ROGERS and WRIGHT entered the shop to examine it whilst I waited outside in the vehicle.

At about 13:05 hours I entered the premises to assist in the search.

Whilst on site I assisted in sorting and separating stock and identifying goods ready to be removed, this was under direction and guidance of HM Revenue and Customs Officers KETT and ROGERS who kept details in their notebooks.

At about 15:10 the owners stated that they wanted to close the shop so we removed all identified goods out into the back yard ready to be collected.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

\*Document also included previously at Appendix D\*

Statement of: David NEVE

At about 16:00 departmental contractors arrived to collect all goods to be removed and the premises were departed at 16:25.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

\*Document also included previously at Appendix D\*

## WITNESS STATEMENT

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: **Mary Anna Rogers**

Age if under 18: **over 18** (If over 18 insert 'over 18')

Occupation: **Inland Detection Officer**

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.

Signature: \_\_\_\_\_

Date: **07/09/11**

I am **Mary Rogers**, an Officer of HM Revenue and Customs (HMRC) currently stationed at **Spur F, Government Buildings, Beeches Road, Chelmsford, Essex, CM1 2RT**, as a member of the (Criminal Investigations – Inland Detection).

On **20/04/11** at **12:40** hours I was on duty at **Yummy Fish & Chips, 106 Dogsthorpe Road, Peterborough, PE1 3AL** with officers **Jeanette Kett** and **Paul Wright**.

Identification was shown to the people working behind the counter and reason for visit was explained by officer **Kett**. I inspected the rear stock room and found quantities of **Beers, Wines & Spirits**. I tallied and labelled the items which were later collected by our contractors due to lack of invoices.

At **16:25** hours I left the premises.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

Description including cover goods	Alc % vol	Litres per unit	Units per case	Full cases	Loose bottles / cans	Total litres	Cigarettes number	Tobacco kilos	Pallet
DON MARIO WERD D'AVOLA	12.5	0.75	6	4	1	187.5			
DON MARIO CABERNET	12	0.75	6	3	4	16.5			
DON MARIO MERLOT	12	0.75	6	9	4	43.5			
DEL GAUDIO CABERNET	12	0.75	6	6	1	27.25			
DEL GAUDIO MERLOT	12	0.75	6	4	5	217.5			
CANAL GRANDE CARLSBERG UNION	12	0.75	6	2		13.5			
DON MARIO CHARDONNAY	12	0.75	6	9		40.5			
DEL GAUDIO CHARDONNAY	12	0.75	6	3		18.5			
DEL GAUDIO ROSATO	12	0.75	6	3	5	17.25			
LECH	5.2	0.5	24	8		96			
FOSTERS	4	0.5	24	4		48			
KRONENBERG 1166	5	0.5	24	6		72			
TYSKIE	5.6	0.5	24	7		84			
CARLSBERG EXPORT	5	0.5	24	11		132			
STELLA ARTOIS	5	0.5	24	1		12			
SPECIAL BREW	9	0.5	24	1	21	22.5			
<b>TOTALS</b>						<b>698.5</b>			

Description including cover goods	Alc % vol	Litres per unit	Units per case	Full cases	Loose bottles / cans	Total litres	Cigarettes number	Tobacco kilos	Pallet
BUDWEISER	5	0.5	24	3		36			
ALFA PREMIUM									
PINOT GRIGIO ELUSH	12	0.75	6	1	2	6			
DEL GAUDIO NERO									
D'AVOLA	12	0.75			1	0.75			
CANAL FRANCO									
SHIRAZ	12.5	0.75			5	3.75			
RED STRIPE	4.7	0.474	24	1	23	227			
CANTI CONTINERI									
PINOT GRIGIO VINO	12	0.75			4	3			
FINE LAKES VODKA	37.5	1			2	2			
ZYMBEC	5.6	0.5	24	2		24			
SMIRNOFF VODKA	37.5	0.7			5	3.5			
SAMBUCA	40	0.7	6	2	1	9.1			
PERFEKTA VODKA	37.5	0.7	6	4	9	23.1			
NICOLAII VODKA	37.5	0.7			3	2.1			
ARCS VODKA	37.5	0.7	6	2	4	11.2			
SMIRNOFF VODKA	37.5	1.5			4	6			
KIRANA VODKA	37.5	0.7	6	1	7	9.1			
HIGH COMMISSIONER	40	0.35			5	1.75			
						164.05			



**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70, CP Rules Part 27.1)

Statement of: PAUL EDWARD WRIGHT

Age if under 18: over 18 (If over 18 insert 'over 18') Occupation: ASSISTANT OFFICER OF HM REVENUE AND CUSTOMS

This statement consisting of 1 page 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.

Signature: \_\_\_\_\_

Date: 06/09/2011

I am an Officer of HM Revenue & Customs based in Ipswich engaged in Detection duties.-----

On 20<sup>th</sup> April 2011 at 12:39hrs I arrived at Yummy Fish and Chip Shop, 106 Dogsthorpe Road, Peterborough, PE1 3AL to carry out an inspection of excise goods Alcohol, Cigarettes and-----

Tobacco under the Customs and Excise Management Act 1979 s.112-----

At 12:44hrs I was inspecting the stockroom right at the back of the Chip shop and I found 2---- black carrier bags. Bag one contained 800 Ipermbep Cigarettes and bag two contained 2800-- Ipermbep Cigarettes.-----

At 12:47hrs in the same rear stockroom I found a black carrier bag placed within a white box-- marked Spavin, and found it contained 2Kg Samson tobacco. The pouches had Benelux tax---- stamps on the back.-----

At 12:50hrs in the same rear stockroom I found a white Tesco's carrier bag, which contained 0.500KG of Amberleaf tobacco, and on the pouches they had Benelux tax stamps on the back.

At 13:01hrs I carried out a search of vehicle W88WON a Dodge Caliber 5XT under the Customs and Excise management Act 1979 Section 163.-----

At 13:03hrs Search completed, nothing found of interest.-----

At 13:04hrs in the stockroom I found a 1.5L bottle of Smirnoff Vodka 37.5%ABV which had no UK Duty Stamp on the bottle, the bottle was then passed to Mary Rogers (HM Revenue and Customs Officer) for tallying.-----

At 16:20hrs I left the premises-----

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70, CP Rules Part 27.1)

Statement of: PAUL EDWARD WRIGHT

[Large empty rectangular box for the witness statement content]

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**



**Anglia Detection Team**

Nelson House  
Prince of Wales Road  
Norwich  
Norfolk  
NR1 1DR

Tel 01603 77623

Fax 01603 776124

[www.hmrc.gov.uk](http://www.hmrc.gov.uk)

Mr & Mrs W. Wong  
c/o Yummy Fish & Chips  
106 Dogsthorpe Rd  
PETERBOROUGH  
PE1 3AL

Date 20<sup>th</sup> May 2011  
Our Ref E2172745  
Your Ref -

Dear Sir/Madam,

**Notice of Seizure under the Customs and Excise Management Act 1979**

Pursuant to Section 139(6) of the Customs and Excise Management Act 1979, ("the Act") and paragraph 1 of Schedule 3 thereto, the Commissioners of Revenue and Customs give notice that by virtue of the powers contained in the Customs and Excise Acts, certain goods, namely: -

**549.2 litres beer, 234 litres wine and 75.55 litres spirits**

have been seized as liable to forfeiture by force of the following provisions namely: -

- 1 S49(1) of the Act; in that the said goods were imported goods chargeable with a duty of excise were removed from their place of importation otherwise than as approved of under the Act;
- 2 S.124 of the Act; in that the said goods were imported goods which had been relieved from excise duty chargeable on their importation and a condition, namely that the goods were acquired duty paid and for own use, had to be complied with in connection with the relief, and was not so complied with;

If you claim that the said goods are not liable to forfeiture you must, within one month from the date of this notice of seizure, give notice of your claim in writing in accordance with paragraphs 3 and 4 of Schedule 3 to the Act.

If you are outside the United Kingdom and the Isle of Man you must also give the name and address of a Solicitor in the United Kingdom who is authorised to accept service of process and act on your behalf.

---

Information is available in large print, audio tape and Braille formats.  
Type Talk service prefix number – 18001



INTEGRITY BY DESIGN



If you do not give notice of claim within the period of one month or, if any requirement of the above-mentioned paragraph 4 is not complied with, the goods in question will be deemed to have been duly condemned as forfeited.

Additionally or alternatively it is the policy of the Commissioners of HM Revenue and Customs not to restore the Alcohol goods listed above which are liable to forfeiture under section S49(1) and S124 of the Custom and Excise Management Act 1979.

If you are not the owner of the said goods please pass this notice to the owner.

#### Review of My Decision

If you do not accept this decision then you may have it reviewed by an Impartial Officer by writing to the following address within 45 days of the date of this letter. You should include a copy of this letter and give the reasons for your request and include any information and evidence of the exceptional circumstances you believe exist in your case that you require to be considered:-

Inland Detection Management Unit  
HMRC  
Medvale House  
Mote Road  
Maidstone  
Kent  
ME15 6AF

Telephone 01622 760402  
Fax 01622 760276

Yours faithfully

J. Kett  
Officer of H.M. Revenue & Customs



Yogesh 23/5/11

**Anglia Detection Team**

Nelson House  
Prince of Wales Road  
Norwich  
Norfolk  
NR1 1DR

Mr & Mrs W. Wong  
c/o Yummy Fish & Chips  
106 Dogsthorpe Rd  
PETERBOROUGH  
PE1 3AL

Tel 01603 776129

Fax 01603 776124

www.hmrc.gov.uk

Date 20<sup>th</sup> May 2011  
Our Ref E2172745  
Your Ref -

Dear Sir/Madam,

**WARNING LETTER**

**With reference to the goods which were seized from you on 20<sup>th</sup> May 2011**

By your actions in relation to these alcoholic goods, I am satisfied that you have committed an offence contrary to section 170A of the Customs and Excise Management Act 1979.

The offence is that of acquiring possession of, keeping or otherwise dealing with goods which are chargeable with a duty of excise which has not been paid and its payment has not been deferred.

Additionally, you may also have committed an offence contrary to section 170(1)(a)/(b) of the Customs and Excise Management Act 1979. These offences relate to knowingly acquiring possession of or being in any way knowingly concerned in dealing with goods which are chargeable with a duty which has not been paid with intent to defraud Her Majesty of the duty payable.

A person found guilty of an offence contrary to section 170(1)(a)/(b) of the Customs and Excise Management Act 1979 is liable to an unlimited financial penalty, up to seven years imprisonment or both.

You may also have rendered yourself liable to legal proceedings for offences contrary to paragraph 5 of schedule 2A to the Alcoholic Liquor Duties Act 1979 (as inserted by Section 4 of the Finance Act 2004).

The offence is: being in possession of, transporting, displaying, selling, offering for sale or otherwise dealing in unstamped retail containers containing alcoholic liquors with a strength of 30% alcohol by volume or more, of a capacity of 35cl or more if they are removed to home use in the UK on or after 1 October 2006 without bearing the duty stamp by virtue of the afore-mentioned act.

A person found guilty of an offence is liable to a maximum fine of £5000.

At present the Commissioners of Customs and Excise will confine their actions to the seizure of the goods and to formally warning you that they regard this breach of Customs law to be a very serious matter and should you commit a similar offence contrary to Customs and Excise law in the future they will seek to include this matter in the proceedings for that offence.

Yours faithfully, J. Kett

Officer of H.M. Revenue & Customs

\*-Delete as necessary

I acknowledge receipt of this letter

Signed..... Date..... Full name.....

Please retain this copy for your records / Please return this copy in the reply paid envelope

Information is available in large print, audio tape and Braille formats.  
Type Talk service prefix number – 18001



INVESTOR IN PEOPLE

**From:** Gell Peter [mailto:peter.gell@peterborough.gov.uk]  
**Sent:** 05 September 2011 16:43  
**To:** Cllr Goldspink Stephen  
**Cc:** Sawyer Kim; Beasley Gillian; Phillipson Paul  
**Subject:** FW: Premises licence 058716

Dear Cllr Goldspink,

Responses to your questions given below.

Regards,

Peter Gell

Strategic Regulatory Services Manager

---

**From:** Cllr Stephen Goldspink [mailto:stephen.goldspink@peterborough.gov.uk]  
**Sent:** 01 September 2011 08:03  
**To:** Gell Peter  
**Cc:** Beasley Gillian; Sawyer Kim  
**Subject:** RE: Premises licence 058716  
**Importance:** High

Peter

Thanks for this.

You will see that there I further questions for the service to answer in an email to Kim Sawyer dated 05:22 on 31/8/11, these being:

Q6: The cigarettes were purchased legally, therefore there can be no evidence that they had been imported without payment of duty (except insofar as we can all bring cigarettes back from abroad) and they should not have been mentioned on Karen Woods' application. Please confirm that reference to this will be removed.

A6: At this point in time the Service is not satisfied that the cigarettes were purchased legally, should this view change as a result of dialogue with the HMRC, and their presence on the premise no longer be considered as relevant to the premise licence, measures will be taken to ensure that the Licensing Committee is not misled. It may well be that this is a matter for which agreement is not reached, in which case it will be for the Licensing Committee to determine whether the cigarettes have an impact on the Licensing Objectives, and consequently whether it is appropriate for the Committee to take any actions.

Q13: We require the Council to precisely define small, medium and large quantities of alcohol by reference to the number of litres, so that we can verify that the action being proposed is proportionate and that the Council demonstrates that it is not using a single, punitive approach of recommending a ban, which would be an abuse of the licensing Act.

A13 There is no definition of small, medium or large, nor do I feel it be appropriate to seek to apply arbitrary measures to what is a description. It will be for the Licensing Committee to make a judgement as you may choose to do yourself as well by considering the quantities of the goods seized in relation to the size and nature of premises on which these were found.

In line with the extracts below from the Licensing Act 2003 Trading Standards consider the presence of the goods found at Mr Wong's premise a serious matter, and one for which revocation of the licence is an appropriate and proportionate recommendation. It will be however for the Licensing Committee to determine what if any sanction should be applied, and with the profile and well publicised problems in the city relating to such goods this is a matter which the Committee should be allowed to consider. You will be aware despite licence application reviews recommending a sanction to the Committee at hearings the Committee have a proven track record of being quite prepared to depart from such recommendations where they consider it not appropriate.

11.26 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 and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- **for the sale of smuggled tobacco and alcohol.**

**11.27 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. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.**

Q16: We note that trading standards were not at the premises on 20 April and are wholly reliant for their case on the evidence of someone who also was not there and who does not specify his occupation in the place reserved for that information. Please confirm that my understanding is correct.

A16: Yes I can confirm that Trading Standards were not at these premises on the 20th April. Trading Standards carried out joint operations with HMRC on that date however, not all officers of each representative body could be present at each property and Yummy Fish and Chips was one such example. The same protocol was followed for each visit and Officers were therefore fully conversant with this and became aware of the items seized following debriefing. As such, Officers were entirely satisfied with the credibility of the information received and therefore that it would be appropriate to request a review in the circumstances. It is equally correct that the HMRC Officer who has compiled the supporting statement was not present at the premises however, I have no doubt that the senior officer has seen and considered all of the relevant information sufficient to give an authoritative account for this purpose, and can advise that this is common practice in the HMRC in such cases.

Q18: Trading Standards advised that the council is seeking further information. Please advise me of the outcome.

A18 The Senior Officer within the HMRC with whom Trading Standards wish to make contact with has been on leave for two weeks and has returned to the office today. He is now aware of the queries raised, and will be in discussion with Council officers during this week.

Q21: When was this information published?

A21: The information appeared on the public register on 11/8/11.

When can I expect a reply?

Regards

**Stephen Goldspink**

Councillor, East Ward

**From:** Gell Peter [mailto:peter.gell@peterborough.gov.uk]  
**Sent:** 31 August 2011 20:51  
**To:** Cllr Goldspink Stephen  
**Cc:** Beasley Gillian; Sawyer Kim  
**Subject:** RE: Premises licence 058716

Dear Cllr Goldspink,

The Service has to date reviewed the information we currently hold, the content of the report, as well as the relevant licensing provisions, and associated procedural processes, this being conducted by a member of the Service unconnected with the case. This process is ongoing as we will consider and review any other licensing representations received, compliance with future licensing timelines, and discussions with officers from the HMRC.

At this point in time I still consider it appropriate that the matter be put before the Licensing Committee, this was an intelligence led operation the findings of which give rise for concern. The Committee have within their power the ability to apply a range of sanctions or take no action at all should they deem it appropriate.

Regards,

Peter Gell

Strategic Regulatory Services Manager

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**From:** Cllr Stephen Goldspink [stephen.goldspink@peterborough.gov.uk]

**Sent:** 31 August 2011 05:27

**To:** Gell Peter

**Cc:** Beasley Gillian; Sawyer Kim

**Subject:** RE: Premises licence 058716

Peter

What was the result of your review, who carried it out and when was it completed?

Regards

**Stephen Goldspink**

Councillor, East Ward

**From:** Gell Peter [mailto:peter.gell@peterborough.gov.uk]

**Sent:** 21 August 2011 21:41

**To:** Cllr Goldspink Stephen



**Cc:** Beasley Gillian  
**Subject:** RE: Premises licence 058716

Dear Cllr Goldspink,

Thank you for your comments, in addition to the information you have requested which officers are currently dealing with, I will have the application reviewed in light of the concerns you have raised.

Regards,

Peter Gell  
Strategic Regulatory Services Manager

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**From:** Cllr Stephen Goldspink [stephen.goldspink@peterborough.gov.uk]  
**Sent:** 20 August 2011 09:18  
**To:** Gell Peter  
**Cc:** Beasley Gillian  
**Subject:** RE: Premises licence 058716

Peter

Thanks for your email. I appreciate what you are saying, but that's not how it seems from here.

I spoke to the office of the Information Commissioner for 30 minutes yesterday and they were horrified at the way the DP and FOI Acts were being applied by PCC, inviting me to make a complaint to them if I so wished. It is clear that the legal department are clueless on how to apply the various acts and their driver is caution to the point of paranoia. Yesterday an FOI request was lodged for me – what utter arrogance! I make the request if PCC fail to provide the data, they don't log it for me. I have told them to cancel it. The request itself was signed by "information specialist" – a straight breach of the Council's customer service guidelines which requires a name to be given.

An overriding principle of the licensing act is natural justice and a respect of human rights. My questions simply are investigative so I and my client can fully understand the case against him and prepare a proper defence – required for natural justice to be achieved. I have also given regard to CPR para 31 and para 35 of the DP Act. We should not be applying standards in the Council that are less just than the civil courts.

Local authorities should be releasing information so that they are accountable, without requiring administrative hoops to be jumped through. Where it is personal information (and most of what I am asking for is not), then the tenets of the DP act need to be applied. The FOI Act is to give rights to those requesting information, but only where an LA refuses to supply it anyway. Why are we insisting on an FOI request? Don't we want to be accountable? Don't we want to be open and honest, and ensure justice is done and seen to be done? Am I really going to have to turn up at Licensing Panel and say in public that the Council and HMRC refused to give basic data about their evidence, the investigation and the case?

Can I suggest that you critically appraise the application logged by Karen Woods? It includes hearsay evidence, unwarranted assumptions, irrelevant matters and lots of mistakes – my questions should point you in the right direction. Presumably this is so commonplace that nobody notices.

Our legal department is a mess. Their first answer is “no” almost every time – I am still waiting for Helen Edwards to explain her actions in denying me some information, and she has failed to follow the customer care guidelines as well – no acknowledgement within three days, never mind one. They seem to take particular delight in obstructing Councillors, so every other mere mortal has no chance at all. The Council still turns the questioner into the aggressor when they persist, and pretends that THEY are being unreasonable for keeping asking when they get no answer. At the last Council meeting, Cllr Murphy was shouted down by the Mayor when he had every right to do what he did (raise a point of order – which the constitution says the mayor must hear immediately) and the mayor's incorrect action was backed up by the solicitor to the Council – with Councillors who supported Cllr Murphy being shouted down - utterly, utterly appalling, but I have no confidence that it will not happen again. It looked like officers and the Mayor were under instructions to stop him speaking and were quite happy to follow those instructions regardless of the constitution. At present, mistakes are covered up and excuses made – I can't remember the last time someone wrote to me and said “sorry, we got it wrong”. I have even tried drafting replies to me for officers to help them get me off their back, but any semblance of apology or admission of error gets deleted even when the evidence is clear. Now we can't provide full financial information to the public because it is “too expensive” – what?? – lip service to democracy again!! I am ashamed of the way our Council operates and will be taking some very decisive action shortly to build on the small band of challengers with headaches from brick walls. This Council WILL account for its actions and the bullying must stop.

I told Gillian on Friday that I was very angry, and you can see this has been building for a while. I have all the written evidence to support my claims. Your case is the most recent in a very long line of things I have done and I know about.

Regards

**Stephen Goldspink**

Councillor, East Ward

**From:** Gell Peter [mailto:peter.gell@peterborough.gov.uk]

**Sent:** 19 August 2011 16:35

**To:** Cllr Goldspink Stephen; Woods Karen

**Cc:** Hall Donna

**Subject:** RE: Premises licence 058716

Dear Cllr Goldspink,

I would like to reassure you that in no way is an attempt being made to withhold information to which you are entitled, or to delay the release of that information. Officers are currently working through the questions you have raised to determine first of all what information the Council holds, as well as that held by the HMRC. Having ascertained that we will be in a position to inform you which information will need to be sought from the HRMC as well as provide you with contact details to enable you to put your request to them. We will however inform the HMRC of your intended enquiry so that they are able to deal with it without delay. Though we have made contact with the HMRC since your enquiry was received, the officers who will handle the enquiry are not currently at work, so this will be progressed as soon as possible early next week.

There is clearly a debate that can be had regarding the application of the Freedom of Information Act, I propose at this stage that my officers spend their time progressing your enquiry in order to provide you with information as soon as possible rather than debate the means under which it is released.

Regards,

Peter Gell

Strategic Regulatory Services Manager

---

**From:** Cllr Stephen Goldspink [stephen.goldspink@peterborough.gov.uk]  
**Sent:** 19 August 2011 05:38  
**To:** Woods Karen  
**Cc:** Gell Peter; Hall Donna  
**Subject:** RE: Premises licence 058716

Karen

I suggest that you and Peter look at the following links:

[http://www.direct.gov.uk/en/governmentcitizensandrights/yourrightsandresponsibilities/dg\\_4003239](http://www.direct.gov.uk/en/governmentcitizensandrights/yourrightsandresponsibilities/dg_4003239)

*"Everyone has the right to request information held by public sector organisations under the Freedom of Information Act."*

*"You can ask for any information at all - but some information might be withheld to protect various interests which are allowed for by the Act. If this is case, the public authority must tell you why they have withheld information."*

I nominate the request to be an FOI request - normally if the local authority refuses to supply it, and I am not, repeat NOT, making an FOI request at this stage. My request must not be treated as FOI as that is for me to request, not the Council to decide.

### **1. Are you refusing to give me the information requested?**

I dispute your assertion that there is sensitive personal data involved. It is not - it is administrative information and data that will support the defence in a legal case. Therefore, you now need to go through each of my questions, one by one, and explain to me why the data is sensitive and personal. If it is not provided, the Council is obstructing a legal case by withholding evidence.

I am making a complaint through other channels in the meantime, but given that my client is on an expiring representation period that expires on 7 September, I require a full response by close of business today, Friday 19th August 2011.

**2. By close of business today, Friday 19th August 2011, you need to go through each of my questions, one by one, and explain to me why the data is sensitive and personal.**

You may be interested to know that a solicitor has described Amy Brown's advice as incorrect and complete rubbish. I look forward to the answers to questions 1 and 2 today and the information requested in my original email by Thursday 2 September 2011 at the very latest.

Regards

Stephen Goldspink  
Councillor, East Ward

-----Original Message-----

From: Woods Karen [mailto:karen.woods@peterborough.gov.uk]  
Sent: 18 August 2011 15:43  
To: Cllr Goldspink Stephen  
Cc: Gell Peter; Hall Donna  
Subject: RE: Premises licence 058716

Cllr Stephen Goldspink

I have been given advice by Amy Brown in Legal Services. The rationale for her decision is as follows:

1 The questions posed require the disclosure of information and sensitive personal information held by Peterborough City Council and HMRC both of which are public bodies. As such it is a request for information which falls within the remit both of the Freedom of Information Act and the Data Protection Act.

2 Having regard to the above it is the duty of those officers processing the request to ensure compliance with that legislation both in ensuring that appropriate information is released or withheld. Given the nature of the information requested, it cannot be released without having regard to the principles of the Acts and it therefore follows that it should be treated as a request under those Acts. It matters not who is making the request - solicitor, Councillor or data subject the same framework and obligations still apply.

If you would like to discuss this decision then you are welcome to contact Kim Sawyer - Head of Legal Services for this purpose.  
Her telephone number is 452361

Karen

-----Original Message-----

From: Cllr Stephen Goldspink [mailto:stephen.goldspink@peterborough.gov.uk]  
Sent: 18 August 2011 14:09  
To: Woods Karen; Cllr Goldspink Stephen; Hall Donna; Gell Peter  
Cc: Cllr Goldspink Stephen  
Subject: RE: Premises licence 058716

Karen

Please respond to my simple request. I would like the name before 15.30 today as the work I have to do on Mr Wong's behalf is time critical and I cannot afford any delays.

Regards

Cllr Stephen Goldspink

> Karen  
>  
> Who gave you that advice? I wish to find out how the view was formed and  
> challenge it, as Mr Wong will not be able to prepare a defence without the  
> facts.  
>  
> I will be raising the matter as a complaint on receipt of the name as if I  
> was a solicitor you would not treat my request in this way.  
>  
> Regards  
>  
> Cllr Stephen Goldspink  
>  
>  
>  
>> Cllr Goldspink  
>>  
>> Following on from my last email I have been advised that your request  
>> for  
>> information should be treated as a Freedom of Information enquiry.  
>>  
>> This information will be passed to the Freedom of Information team and  
>> you  
>> will receive notification in due course.  
>>  
>> Karen Woods  
>> Regulatory Officer  
>>

>>  
>>  
>>  
>>  
>>  
>> \_\_\_\_\_  
>> From: Cllr Stephen Goldspink  
>> [mailto:stephen.goldspink@peterborough.gov.uk]  
>> Sent: 17 August 2011 21:15  
>> To: Woods Karen  
>> Cc: 'Warren'; w88w@hotmail.co.uk; Cllr Shearman John; Gell Peter  
>> Subject: RE: Premises licence 058716  
>>  
>> Karen  
>>  
>> First, please see below as I mistyped your email address.  
>>  
>> Then, I would like to know the answer to this additional question:  
>>  
>> 26. Where are the goods confiscated from Mr Wong now?  
>>  
>> Finally, please let me have a copy of all notices, letter, emails and  
>> other documents sent or delivered to Mr Wong or displayed at his  
>> premises,  
>> ensuring that date of delivery is stated for each.  
>>  
>> Regards  
>>  
>>  
>> Stephen Goldspink  
>> Councillor, East Ward  
>>  
>>  
>>  
>>  
>> From: Stephen Goldspink [mailto:stephen@goldspink.org]  
>> Sent: 17 August 2011 19:09  
>> To: 'karen.woods@peterborough.gov.uk'  
>> Cc: 'Gell Peter'; 'Warren'; 'w88w@hotmail.co.uk';  
>> 'john.shearman@peterborough.gov.uk'  
>> Subject: Premises licence 058716  
>> Importance: High  
>>  
>> Dear Karen  
>>  
>> I am representing Warren Wong in the matter of his license review for  
>> Yummy Fish and Chips, 106 Dogsthorpe Road, Peterborough. I have known  
>> Warren for over 20 years and will vouch for his hard working nature and  
>> impeccable character.  
>>  
>> I have read your submission applying for a review of Warren's premises  
>> licence and I have a number of questions that I would like answers to.  
>> Most of them relate to the HMRC operation and if you would prefer me to  
>> correspond with them, please let me have their details.  
>>  
>> Here are the questions:  
>>

- >>
- >> 1. What evidence do you and HMRC have that the goods seized are  
>> illicit?  
>>
- >> 2. Please supply a full inventory of the goods seized including  
>> bottle / packet size, count, brands, etc  
>>
- >> 3. Is any of the alcohol seized devoid of a mark that a reasonable  
>> person might accept to be that affixed to a bone-fide, duty paid item?  
>> If  
>> so, please list which items do not carry such a mark or which items have  
>> an invalid mark.  
>>
- >> 4. How would HMRC officers prove that a particular item was that  
>> referred to on a particular invoice?  
>>
- >> 5. What evidence do HMRC have that duty was not paid on the items  
>> seized?  
>>
- >> 6. Which law states that an individual cannot store cigarettes or  
>> any  
>> other goods on the business premises of another person, with their  
>> permission? Please quote act and reference.  
>>
- >> 7. Was the quantity of cigarettes seized from Angela Gilbride  
>> within  
>> her allowance for personal import? If not, what is the limit?  
>>
- >> 8. Did Angela Gilbride state to the visiting officers that the  
>> cigarettes were hers personally and, if she did, what reason did she  
>> give  
>> for storing them at the shop?  
>>
- >> 9. What law permits HMRC to seize personal items from an  
>> individual?  
>> Please quote act and reference.  
>>
- >> 10. How many previous offences are recorded against Mr Wong?  
>>
- >> 11. What reasons did Mr Wong give to HMRC officers for being unable to  
>> produce receipts and why are these not mentioned in the statement?  
>>
- >> 12. Please define "seriousness" as stated in the paragraph that says  
>> "Trading Standards as a responsible authority recommends revocation due  
>> to  
>> the seriousness of the illicit trade" and say what other grades of  
>> offence  
>> and recommendations could have been made.  
>>
- >> 13. Does the above statement refer to Mr Wong's illicit trade or the  
>> illicit trade in general?  
>>
- >> 14. Your form mentions criminal activity - what specific evidence do you  
>> have that Mr Wong is engaged in criminal activity?  
>>
- >> 15. Your form mentions smuggled tobacco and alcohol - what specific



>> evidence do you have that the tobacco and alcohol seized from Mr Wong's  
>> shop was smuggled?  
>>  
>> 16. Please let me have the names and roles of all the people who visited  
>> Mr Wong's shop on 20 April 2011.  
>>  
>> 17. Why is a seizure from shop worker Angela Gilbride and identified as  
>> being owned by her personally being included in an action against Mr  
>> Wong?  
>>  
>> 18. Mr Wong did produce some invoices to the inspection team. Why is  
>> this  
>> not mentioned?  
>>  
>> 19. Did Mr Wong identify any of the seized alcohol as being his  
>> personally? If so, why is this not mentioned on your form?  
>>  
>> 20. On what date do you anticipate Mr Wong's case will be heard by the  
>> licensing panel?  
>>  
>> 21. How did the Peterborough Evening Telegraph find out about your  
>> application? Please provide me with any papers that you or any  
>> colleagues  
>> provided to them, and explain the reasons for disclosure.  
>> With regard to the statement of Paul Terence Cumberland:  
>>  
>> 22. Was Mr Cumberland present at the inspection on 20 April 2011?  
>>  
>> 23. What is his occupation (it cannot be "HM Revenue and Customs - that  
>> is  
>> who he works for)?  
>>  
>> 24. The number of pages has not been completed on the statement. Why  
>> not,  
>> and how many pages are there?  
>>  
>> 25. Apart from the proprietors inability to produce invoices or receipts  
>> to prove duty paid, what other evidence do HMRC have that United Kingdom  
>> Excise Duty has not been paid?  
>>  
>> The application mentions guidance notes at the end of the form; please  
>> let  
>> me have a copy of these.  
>>  
>> I have very serious concerns about the accuracy, completeness and  
>> legality  
>> of the application that you have prepared and I am sure that the answers  
>> to my questions will prove that, beyond the shadow of a doubt, it is  
>> incomplete, inaccurate and invalid.  
>>  
>> Please note that the Council's customer care policy requires the  
>> following  
>> in connection with email correspondence:  
>> "we will:  
>>  
>> \* aim to acknowledge your e-mail within one working day of receipt

>> \* aim to reply to your correspondence within 10 working days of  
>> receipt, and if we cannot achieve this write and let you know when a  
>> full  
>> reply will be sent"  
>> I expect those standards to be met or exceeded especially given the  
>> grave  
>> nature of the allegations and the overt implication of criminal  
>> activity,  
>> currently unevidenced, which will damage Mr Wong's reputation in the  
>> community. Please do not waste time by asking Mr Wong to confirm that I  
>> am representing him as I would see that as a delaying tactic; given that  
>> I  
>> have the statement and I have copied him in on this email it is  
>> blindingly  
>> obvious that I represent him.  
>> Regards  
>> Stephen Goldspink  
>> Councillor, East Ward  
>

Ref: Yummy Fish & Chips / Licensed Premises

Tuesday 06<sup>th</sup> September 2011

Darren Dolby  
Regulatory Officer (Licensing)  
Peterborough City Council  
Bridge House  
Peterborough  
PE1 1HU



Creating a safer  
**Cambridgeshire**

Dear Darren,

Re: HMRC / Trading Standards review – Yummy Fish & Chips

On the 20<sup>th</sup> April 2011 Cambridgeshire Constabulary supported Trading Standards and HMRC in a joint initiative designed to clamp down on the illegal trade of illicit and counterfeit goods. Police became aware of information in April 2011 that an Asian male was selling illicit cigarettes from the back door of a premise named as Yummy Fish and Chips. This information would have been disseminated to other law enforcement agencies. Yummy Fish & Chips, 106 Dogsthorpe Road, Peterborough was visited and illicit goods were seized. A total of the revenue due on alcoholic products was £1832.43, and the total of the revenue due on tobacco products was £1468.01. A grand total of £3300.44 of outstanding revenue.

“Cambridgeshire Constabulary take a very serious view on the sale of illicit and/or counterfeit goods realising the serious implications upon the licensing principle of preventing crime and disorder. Such crime has a detrimental effect upon the immediate community and can be harmful to unwitting customers including children. Distribution and sale of illicit / counterfeit goods is linked to serious and organised crime and nationally is a drain on the economy. On this occasion the amount of revenue due on the seized goods is considerable. The amount of alcohol and tobacco clearly indicate an intention to retail illicit goods for the benefit of the owner. My concerns lie with the fact that this location is a small residential fish and chip shop in possession of such a large quantity of alcohol, particularly spirits and tobacco goods. The license for the venue covers off sales only and does not allow for the consumption of alcohol on premises. It is very clear to Cambridgeshire Constabulary that test purchasing and unannounced visits to premises such as this is fundamentally necessary to prevent and deter crime. The owner has failed to submit any notice of claim against the forfeiture, evidence which would ultimately disprove involvement in the offence.

Under the guidelines as set out under S.182 of the Licensing Act 2003 (11.26) Cambridgeshire Constabulary fully support our partners, HMRC and Trading Standards, as a responsible authorities, and there recommendations for the full revocation of the premises license for Yummy Fish & Chips, due to irrefutable evidence of illicit trade”.



Yours faithfully,  
Grahame Robinson  
Police Constable 1572  
Licensing Officer  
Northern Division

Tuesday 08 September 2011

Daren Dobby  
Regulatory Officer (Licensing)  
Peterborough City Council  
Bridge House  
Peterborough  
PE1 1HU

Dear Daren

Re: HMRC Trading Standards review – Yummy Fish & Chips

On the 20<sup>th</sup> April 2011 Cambridgeshire Constabulary supported Trading Standards and HMRC in a joint initiative designed to clamp down on the illicit trade of illicit and counterfeit goods. Police became aware of information in April 2011 that an Asian male was selling illicit cigarettes from the back door of a premises named as Yummy Fish and Chips. This information would have been disseminated to other law enforcement agencies. Yummy Fish & Chips, 108 Dogstrove Road, Peterborough was visited and illicit goods were seized. A total of the revenue due on alcoholic products was £1852.43, and the total of the revenue due on tobacco products was £1468.01. A grand total of £3300.44 of outstanding revenue.

Cambridgeshire Constabulary takes a very serious view on the sale of illicit and counterfeit goods realising the serious implications upon the licensing principle of preventing crime and disorder. Such crime has a detrimental effect upon the immediate community and can be harmful to unwitting customers including children. Distribution and sale of illicit & counterfeit goods is linked to serious and organised crime and nationally is a drain on the economy. On this occasion the amount of revenue due on the seized goods is considerable. The amount of alcohol and tobacco clearly indicate an intention to retail illicit goods for the benefit of the owner. My concerns lie with the fact that this location is a small residential fish and chip shop in possession of such a large quantity of alcohol, particularly spirits and tobacco goods. The license for the venue covers off sales only and does not allow for the consumption of alcohol on premises. It is very clear to Cambridgeshire Constabulary that fast purchasing and unannounced visits to premises such as this is fundamentally necessary to prevent and deter crime. The owner has failed to submit any notice of claim against the forfeiture, evidence which would ultimately disprove involvement in the offence.

**Martin Teresa**

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**From:** Dolby Darren  
**Sent:** 15 September 2011 09:06  
**To:** Martin Teresa  
**Subject:** FW: Police Reps ~[NOT PROTECTIVELY MARKED]~  
**Attachments:** Yummy06.09.11 - Police Reps.docx; S'ground Food & Wine - Police Reps.docx; F&G - Police Reps.docx

Darren Dolby  
Licensing Regulatory Officer  
Peterborough City Council  
Bridge House  
Town Bridge  
Peterborough  
PE1 1HU  
☎ 01733 453561

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**From:** Grahame Robinson [mailto:Grahame.Robinson@cambs.pnn.police.uk]  
**Sent:** 07 September 2011 10:31  
**To:** Dolby Darren; Woods Karen  
**Cc:** Mat Newman  
**Subject:** Police Reps ~[NOT PROTECTIVELY MARKED]~

For your information and action. Hope they are sufficient.  
G

**PC1572 Grahame Robinson**  
**Licensing Officer**  
**Northern Division**

***Bridge Street Police Station***  
***Peterborough***  
***PE1 1EQ***

***Tel: 0345 456 4564 X4438***  
***Mobex: 7111538***  
***Mobile: 07921095030***  
***Email: [grahame.robinson@cambs.pnn.police.uk](mailto:grahame.robinson@cambs.pnn.police.uk)***

***"Drink Responsibly"***

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To visit Cambridgeshire Constabulary's website please follow this link:

<http://www.cambs-police.co.uk/index.asp>

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 Opinions expressed in this document may not be official policy.  
 Thank you for your cooperation. (c) Cambridgeshire Constabulary

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 From: Grahame Robinson [mailto:Grahame.Robinson@cambs.pnn.police.uk]  
 Sent: 07 September 2011 10:31  
 To: Dolly Darn; Woods Karen  
 Cc: Matt Norman  
 Subject: Police Regs - (NOT PROTECTIVELY MARKED)

For your information and action. Hope they are sufficient.  
 G

PC1572 Grahame Robinson  
 Licensing Officer  
 Norman Division

Bridge Street Police Station  
 Peterborough  
 PE1 1EQ

Tel: 0345 458 4584 X438  
 Mobe: 7111838  
 Mobile: 07821008030  
 Email: grahame.robinson@cambs.pnn.police.uk

"Think Responsibly"

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 To visit Cambridgeshire Constabulary's website please follow this link:

<http://www.cambs-pnn.police.co.uk/index.asp>

## Wholesale Booze invoices / delivery notes

Date of document	Quantity	Description	Unit price	Total	No of bottles / packs to sell	Per bottle / pack (purchase) price
05/04/11	10.00	Italian red / white x 6	15.00	150.00	60	2.50
05/04/11	3.00	Perfectz vodka x 6	48.00	144.00	18	8.00
05/04/11	5.00	Export x 4 x 6	18.00	90.00	30	3.00
05/04/11	5.00	1664 x 4 x 6	18.00	90.00	30	3.00
05/04/11	5.00	Fosters x 4 x 6	17.50	87.50	30	2.92
05/04/11	2.00	Tyskie beer x 4 x 6	20.00	40.00	12	3.33
05/04/11	2.00	Lech beer x 4 x 6	20.00	40.00	12	3.33
12/04/11	20.00	Italian wine x 6	15.00	300.00	120	2.50
12/04/11	2.00	Aros vod x 6	48.00	96.00	12	8.00
12/04/11	2.00	Perfectz vodka x 6	48.00	96.00	12	8.00
12/04/11	2.00	Kira vodka x 6	48.00	96.00	12	8.00
12/04/11	1.00	Nico vodka x 6	48.00	48.00	6	8.00
12/04/11	2.00	Special brew x 4 x 6	25.00	50.00	12	4.17
19/04/11	25.00	Italian red / white / blush x 6	15.00	375.00	150	2.50
19/04/11	1.00	Three lakes Vodka x 6	57.00	57.00	6	9.50
19/04/11	1.00	Aros vodka x 6	48.00	48.00	6	8.00
19/04/11	1.00	Perfectz vodka x 6	48.00	48.00	6	8.00
19/04/11	1.00	Kirvan Vodka	48.00	48.00	6	8.00
19/04/11	5.00	Export x 4 x 6	18.00	90.00	30	3.00
19/04/11	5.00	1664 x 4 x 6	18.00	90.00	30	3.00
19/04/11	5.00	Fosters x 4 x 6	17.50	87.50	30	2.92
19/04/11	5.00	Stella x 4 x 6	20.00	100.00	30	3.33
19/04/11	5.00	Tyskie beer x 4 x 6	21.50	107.50	30	3.58
19/04/11	5.00	Lech beer x 4 x 6	21.50	107.50	30	3.58
19/04/11	2.00	Budweiser x 4 x 6	22.00	44.00	12	3.67
				<u>2,530.00</u>		

**From:** Warren Wong  
**Sent:** 17 September 2011 11:56  
**To:** Stephen Goldspink  
**Subject:** Alcohol Figures

ANNEX R

Steve,

Wine comes in 6 bottles in a case (75cl)

Spirits comes in 6 bottles in a case (35cl/70cl/1Litre or 1.5Litre)

Beer comes in 24 cans in a case (500ml)

In the month of Jan/Feb/Mar the prices are normal and no special offers.

In the month of April with the new stock - I was advise to introduce special offers ie, 4 cans for £3.50 (Fosters/Kronebourg/Export), Wine £3 each, £5 for 2 bottles, Spirits add on 50p from the cost price to boost up European trade.

After seizure to now - prices are still low with the same offer to get rid of cost. £3.70 for 4 cans. Wine £3 or £5 for 2.

All 70cl spirits costs under £10 each so that I can sell it £10 each. From the invoices - its only 50p or less profit.

#### **Jan/Feb/March 2011 approx.**

**Wine 75cl** - Weekdays = 0 Fri/Sat = 2 bottles per day

**Spirits 70cl & 35cl** - Weekdays = 1 Fri/Sat = 2 bottles per day (mixture of Vodka/Brandy/Whiskey)

**Beer 500ml** - Weekdays = 8 per day Fri/Sat = 12 per day

#### **April 2011 (this is the NEW supplier) Approx.**

**Wine 75cl** - Weekdays = 2 per day Fri/Sat = 6 per day

**Spirits 35cl & 70cl & 1 Litre** - Weekdays = 1 per day Fri/Sat = 2/3 per day (mixture of Vodka/Brandy/Whiskey and also the size)

**Beer 500ml** - **Weekdays** = 8/12 cans per day Fri/Sat = 24/30 per day

#### **May/June 2011 Approx.**

**Wine 75cl** - Weekdays = 0 per day Fri/Sat = 2 per day

**Spirits 70cl & 35cl** - Weekdays = 0 Fri/Sat = 1 per day

**Beer 500ml** - Weekdays = 4 per day Fri/Sat = 8 per day

#### **August/September 2011 Approx.**

**Wine 75cl** - Weekdays = 1 per day Fri/Sat = 2 per day

**Spirits 70cl & 35cl** - Weekdays = 0 Fri/Sat = 1/2 per day

**Beer 500ml** - Weekdays = 8 per day Fri/Sat = 12 per day

The figures are not massaged - but you are welcome to play around with them.

Warren



# HYPERAMA WHOLESALE

A DIVISION OF HYPERAMA PLC  
 VAT Registration No. 870 9871 78  
 www.hyperama.com

HYPERAMA WHOLESALE  
 BULL CLOSE ROAD,  
 LENTON INDUSTRIAL ESTATE,  
 NOTTINGHAM NG7 2UT  
 Telephone: 0115 985 1301  
 Fax: 0115 935 0342

HYPERAMA WHOLESALE  
 CYGNUS 6,  
 RICHMOND STREET,  
 WEST BROMWICH B70 0DD  
 Telephone: 0121 522 0300  
 Fax: 0121 522 0320

HYPERAMA WHOLESALE  
 PADHOLME ROAD EAST,  
 PETERBOROUGH,  
 PE1 5XL  
 Telephone: 01733 865760  
 Fax: 0173 865760 Annex S

DAYPASS NO CHEQUES  
 DAYPASS NO CHEQUES

Hyperama Peterborough  
 Hyperama Plc.  
 Padholme Road East  
 Peterborough  
 PE1 5XL

Cust. VAT Reg No.

VAT Reg No. 37093/178

Account : 50000 Payment Method: CA Invoice No : 667207 Time & Date: 9:40 on 20-Aug-2011  
 Till Number: 6 Cashier ID : 68 Cashier Name: Amer Rauf

ITEM CODE	DESCRIPTION	PACK SIZE	UNIT OF SALE	QUANTITY	PRICE	EXT. PRICE	VAT
308528	Ha Kau 8pc	8's	1	1	2.49	2.49	Z
308573	Siu Mai 12pc	12's	1	1	2.89	2.89	Z
308573	Siu Mai 12pc	12's	1	1	2.89	2.89	Z
124029	Prince Consort Vodka	70cl	1	1	7.79	7.79	A
124029	Prince Consort Vodka	70cl	1	1	7.79	7.79	A
740221	Glens Vodka	70cl	1	1	7.99	7.99	A
740221	Glens Vodka	70cl	1	1	7.99	7.99	A
124908	Prince Consort Brandy	70cl	1	1	7.99	7.99	A
124908	Prince Consort Brandy	70cl	1	1	7.99	7.99	A
138338	T1 Light Soy Sauce	150ml	1	1	0.59	0.59	Z
077200	Stella Artois	24x500	1	1	20.99	20.99	A
702195	Tyskie	24x500	1	1	21.99	21.99	A
702197	Lech	24x500	1	1	21.99	21.99	A
700767	Guinness Original 13.5%	24x440	1	1	17.99	17.99	A
704732	Kronenbourg PM 4.7%	6x4x50	1	1	16.99	16.99	A
704633	Strongbow Pm 4.00 For 4	6x4x50	1	1	13.99	13.99	A
361813	Claymore Whisky	70cl 6x	1	1	51.99	51.99	A
163032	LSV Energy Drink 4Pk 1.19	24x250	1	1	3.99	3.99	A
163032	LSV Energy Drink 4Pk 1.19	24x250	1	1	3.99	3.99	A
163032	LSV Energy Drink 4Pk 1.19	24x250	1	1	3.99	3.99	A
Trolley:1 Cases:1 Singles:19 Total:20					SUB TOTAL	234.30 +VAT	279.39

COUNT TOTAL: Cases:1 Singles:19 Total:20 TOTAL GOODS 234.30

CODE	RATE	GOODS	VAT
A	20.00	225.44	45.09
Z	0.00	8.86	0.00

VAT-TOTAL 45.09  
 INVOICE-TOTAL 279.39

#### THANK YOU FOR SHOPPING AT HYPERAMA ####

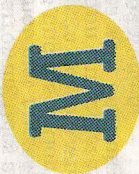
**HYPERAMA PLC**  
 20 AUG 2011  
**PAID**

The property in these goods only passes on payment of this invoice.  
 This invoice must be presented against any queries or returns.  
 Any queries regarding purchases must be notified within 24 hours of receipt of goods.  
 Chilled and Frozen items once purchased cannot be returned

# CRASH PRICE CRUNCH



Maximum 6 cases in total per customer



MORRISONS

FOR YOUR NEAREST MORRISONS STORE PLEASE VISIT [WWW.MORRISONS.CO.UK](http://WWW.MORRISONS.CO.UK) OR TELEPHONE 0845 611 6111.

**drinkaware.co.uk for the facts** Please drink responsibly. The law does not permit the sale of alcohol to persons under the age of 18. Available in most stores. Subject to availability. While promotional stocks last. Prices/offers may vary in Gibraltar. Excludes Morrisons Lo  
 Bulmers Original Cider 6x568ml, Bulmers Pear Cider 6x568ml, Stella Artois 12x284ml £2.94/Litre • Strongbow Can 12x440ml, John Smith 12x440ml, Tetley's 12x440ml, Carlsberg 12x440ml, Carlsberg Export 12x275ml, San Miguel 12x275ml, Becks 12x275ml £3.03/litre • Coors Light 12x330ml £2.53/litre • Brother's Strawberry 8x440ml £2.84/Litre.

w/c 12/01

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