


**METROPOLITAN
POLICE**
TOTAL POLICING

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 PC BERESFORD 1330NW

 apply for the review of a premises licence under Section 51 of the Licensing Act 2003
for the premises described in Part 1 below

Part 1 – Premises or club premises details

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

TRANSILVANIA, 18 NORTH PARADE, MOLLISON WAY

Post town:

EDGWARE

Post code:
(if known)

HA8 5QH

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

MS ANDREA DUTA

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

0603-LHP9-CAEW-WDNG

Part 2 – Applicant details

I am:

Please tick Yes

- | | | |
|----------|--|-------------------------------------|
| 1 | an individual, body or business which is not a responsible authority
(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | a member of the club to which this application relates (please complete section (A) below) | <input type="checkbox"/> |

PROTECTIVE MARKING

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:						First Names:			
I am 18 years old or over				<input type="checkbox"/>					
Current postal address if different from premises address:									
Post town:					Post code:				
Daytime Tel. No.:					Email: (optional)				

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)

Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)

Name and Address:	
PC BERESFORD - Harrow Police station – Licensing Team	
Telephone Number (if any):	
Email address: (optional)	

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 checked="" type="checkbox"/>
3	The prevention of public nuisance	<input checked="" type="checkbox"/>
4	The protection of children from harm	<input checked="" type="checkbox"/>

Please state the ground(s) for review: (please read guidance note 2)

During several visits to the premises, it has been found that the premises licence holder doesn't have control over the day to day running of this shop.

During visits by the police and HMRC the venue has been failing to uphold there conditions on there licence and has been found with non duty paid goods.

PROTECTIVE MARKING

Please provide as much information as possible to support the application: (please read guidance note 3)

20/11/2014

HMRC attended Transilvania, non-duty paid Goods were seized:

740 cigarettes

42.2 litres spirits

21.25 litres of wine.

Seized goods amounted to £940.33.

The person running the store at the time of this seizure was Mr Constantine Duta who is the father of the owner of the business.

08/03/2019

Police attended this venue with trading standards for a licensing inspection the only member of staff at the premises was a male who identified himself as Mr condtantine DUTA. His English was very poor but we were able to understand that his daughter was the Premises licence holder and the DPS Mr Duta gave police his daughter's mobile number so we could contact her he explained that she was in Romania on holiday & would be home in one week. Due to communication issues we was unable to conduct a full inspection, a note was left with MR DUTA to give to his daughter to call or email the police. However no email or phone call was received. Also whilst in this shop police noticed that the prices of the wine and beer were very cheap at £1 for a can of beer and £5 for a bottle of wine this was passed onto HMRC.

08/04/2019

Police attended the venue again for a follow up visit, it was only Mr Duta again, and police were unable to do a full licensing inspection due to communication issues. Another note was left for MS Andrea Duta to contact the police either by email or by phone. Mr Duta explained again that his daughter was in Romania on holiday and this time would be back in two weeks.

Police called Ms Duta's phone and left a voicemail asking her to call or email the police ASAP, but police still haven't heard from her.

14/08/2019

Police attended the venue to conduct a full licensing inspection this time it was decided that we would attend with a Romanian speaking PCSO Ben-chalam who was able to translate, HMRC officers attended with us.

HMRC seized 246 Beers which And 164 bottles of wine which were all non-duty paid goods.

Mr Duta admitted that he was running the store and he was the one who was buying all the stock and in charge of the day to day running of the store. He stated that the landlord had put the rent up to £3000 a month and he could only make this much money by selling non duty paid goods.

Selling non- duty paid items allows the trader to sell products at a reduced rate thereby undercutting responsible retailers it also makes them more affordable for the more vulnerable members of our community that have alcohol addictions.

Police asked Mr Duta to call his daughter but said that he didn't want to worry her as she is in Romania.

We also with the help of PCSO Ben-chalam we was able to go through all of the licensing conditions that are on the license, he was failing to uphold the condition on Annex B – CCTV conditions, the CCTV was not working atall Mr Duta stated that he was aware of this and hadn't been working for 1 week, which he has no plans to get this fixed.

Whilst in the shop police were handed an accountants business card that MR Duta had found within his paperwork this was in the name of MRS Andrea SPATARIU (MATT) I asked who this was and he stated that it was his daughter and that her name was different as she was married. On this business card was the same number that MR DUTA had previously given to police. MRS SPATARIU (MS DUTA) has made no attempt to contact the council licensing to make them aware of this name change.

Police are of the belief that MS Andrea Duta is not involved in the day-to-day running of this premises, up to now police have not been made aware of any applications to the local authority to transfer the premises licence to another person or company. Therefore she is still the licence holder and designated premises supervisor and ultimate responsibility lies with her.

The local policing team, council, residents and other partnership agencies are going to great efforts to improve Edgware, and we of the opinion that not only is MS DUTA not capable of being a responsible licence holder - she has failed to uphold the law, and has so far failed in her duties to be the kind of business that contributes positively to the community in which she works consistently failed to promote the licensing objectives. The Police have no confidence in the owner or operation of the premises. This leaves the police with no choice, but to apply for a review of this premises licence. This is not the behaviour we expect from premises licence holders on the Borough of Harrow and therefore respectfully request that the licence be revoked.

PROTECTIVE MARKING

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

(Please tick yes)

Day	Month	Year
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If yes, please state the date of that application:

0									
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If you have made representations before relating to this premises please state what they were and when you made them:

PROTECTIVE MARKING

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature:

[Redacted Signature]

Date:

23/08/2019

Capacity:

Licensing Officer - Metropolitan Police

Contact name (where not previously given) **and postal address for correspondence associated with this application:** (please read guidance note 6)

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Retention Period: 7 years

MP 321/12

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

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

Occupation: Higher Officer, HM Revenue & Customs

This statement (consisting of 4 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 false I may be liable to prosecution if I have wilfully stated in it anything which I know to be false.

Signature: 

Date: 17/09/2019

I work in CITEX Operations, Jubilee House, Stratford. As part of my duties I conduct visits to Off Licences, Cash and Carries and Tobacco and Alcohol Wholesalers. As part of these duties I will seize Excise Goods (that is goods that are liable to a duty of Excise) where the goods are found to be not duty paid. I will also issue Civil Assessments to recover lost duty, and issue Excise Wrongdoing Penalties when evasion has taken place.

I acquired the information during my visit under the Customs and Excise Management Act 1979.

At approximately 11:43 hours on the 14/08/2019, I was on duty with other HMRC Officers conducting a shop inspection under S112 of the Customs and Excise Management Act 1979 as excise goods were clearly seen in the shop. Also in attendance was Police Licensing Officers. We identified ourselves as HMRC officers by way of our official identification cards, and reason for the visit was explained. The reason for the visit was to verify the duty status of the excise products being sold and stored in the shop. The shop details are: Transilvania, 18 North Parade, Mollison Way, Edgware, HA8 5QH. Person behind the counter identified himself as Constantin Duta who confirmed he was the owner's father. The director of the shop Andreea Spataru (formerley Duta now married) was not in the country she was in Romania. Mr. Duta said his English was not good so the police had a Romanian speaking officer present during the whole

Date: 17/09/2019

Signature: 

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

of the visit. On the shelves and the stock room were 70 cl bottles of Alexandrion fine spirit at 37.5% ABV (alcohol by volume) these bore no UK duty stamps on the bottles, but had Romanian tax stamps on. Located on the shelf in the shop Stalinskaya Vodka 70 cl bottles at 45% ABV and 40% these bore no UK duty stamps and had Romanian tax stamps on. Since 1 January 2007 it has been a requirement of The Duty Stamp Regulations 2006 that all bottles and other retail containers of spirits, and wine or made-wine, with a strength of 30% alcohol by volume or more, of a capacity of 35cl and larger have to carry a duty stamp to be legal for retail sale.

I asked the Police officer to explain to Mr. Duta that the spirits bearing the Romanian tax stamps on were being seized by HMRC as the 70cl bottles should have UK duty stamps on. Mr Duta said he understood why the goods were being seized and that he was also aware about UK duty stamps being on bottles of spirits over a certain size.

Also located in the stock room floor and fridge were several brands of foreign beer. The brands being Ursus, Timisoreana, Bergenbeir, Ciuc. These all relate to 50 cl cans. This was marked up and being sold for £1.00 a can the price was confirmed by Mr. Duta. The price that this beer is being sold for is very cheap. I asked Mr. Duta where these products had been purchased from. Mr. Duta confirmed that these beer products had been purchased from Roe Exports based in London. Officer Parr from HMRC phoned Roe Exports to confirm this as no invoices in the shop covered these beer products. Officer Parr was able to confirm after speaking to Roe Exports that this trader had not purchased any alcohol from them this year and that they had last purchased alcohol from them on 14/12/2018. When I asked Mr. Duta where these products had been purchased from and had it been purchased off record from an illicit source i.e. a man in a van scenario. Mr. Duta admitted that the beer products in question had been purchased from a man in a van paying cash and getting no invoices. Mr. Duta said he purchased these products for the shop and not his daughter. When questioned as to the frequency

Date:

17/09/2019

Signa

(signature or witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

that he had purchased from the man in the van Mr. Duta was able to confirm he had purchased every 2-3 months spending roughly £300.00 - £400.00 a time. I informed Mr. Duta that all these products would be seized.

Also in the shop on the shelves and in the stock room Romanian wine in 75cl bottles various brands these were all being sold for £5.00 a bottle. When Officer Parr had phoned Roe Exports they had confirmed that they sold Cothari wine 75 cls bottles for £5.09 a bottle with the VAT included this would be £6.18 a bottle. Transilvania is selling this product for £5.00 a bottle. I asked Mr. Duta if he had purchased all the Cothari wine in the shop off record. Mr. Duta confirmed that he had indeed purchased this wine and other brands in the shop off record again from a different person who turns up in a van, he pays them cash and receives no invoices. I then asked Mr. Duta to point to all the wine brands he had purchased off record. Mr. Duta said he knew that what he was doing is wrong buying alcohol from a man in a van but he does it to keep the shop going, because if he bought all the alcohol from Roe Exports it is too expensive. He also confirmed that he had been buying the wine off record during this year and normally spends £300.00 - £400.00 a time. I informed Mr. Duta that all the wine that he had identified that had been purchased off record would be seized as liable to forfeiture. All the relevant seizure paperwork was issued to Mr. Duta. I left my work card with my contact details on for the director to contact me on her return from Romania.

The seizure was no appealed within the time limit and as such the goods were condemned. The total amount of UK excise duty evaded from the seizure amounts to £782.66 for the alcohol this has been extracted from a departmental database.

To cut down on unlawful selling of alcohol HMRC have bought in a scheme that requires all businesses who are wholesaling alcohol to become registered AWRS (Alcohol Wholesaler Registration Scheme) if

Date:

17/09/2019

Signature:



(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

the business is successful it will be issued with a unique reference number which will be visible on the invoice, so the retailer will know that the wholesaler is approved by HMRC. It also requires retail buyers to make sure that they are purchasing alcohol from a registered and approved supplier.

HMRC may seize stock supplied from an unapproved UK wholesaler. From the 1st April 2017 trade buyers who buy their alcohol from UK wholesalers for re-sale need to make sure that these wholesalers are approved by HMRC for AWRS.

HMRC provides an online look up service that allows trade buyers to look up the details of the alcohol suppliers to ensure that they are approved for AWRS.

I have taken the following information from an HMRC database which show's on the 20/11/2014 this trader was visited by HMRC officers and the following was seized as liable to forfeiture 740 cigarettes, 42.2 litres of mixed spirits and 21.25 litres of wine the total amount of UK excise duty evaded from the seizure amounts to £705.23 this has been extracted from a departmental database. The seizure was not appealed.

Date: 17/09/2019

Signature: [Redacted]

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY