

IN THE MATTER OF

B E T W E E N

Birmingham City Council

-and-

Ark Convenience Stores Limited

Witness Statement of Mr Surinder Singh Ark

I, Surinder Singh Ark, whose date of birth is , of
will say the following:

1. Except where otherwise stated, I make this statement on the basis of facts and matters within my own knowledge. Where any statement I make is based on information supplied to me, I believe the same to be true.
2. I am the Director of Ark Convenience Stores Limited (the Business), registered and trading from 85 Turves Green, Birmingham, England, B31 4AH.
3. The Business operates as a convenience store, selling alcohol, cigarettes, groceries and confectionery.
4. Due to the nature of the Business, namely selling alcohol, both the Business and I have current and valid Premises and Personal Licences issued by Birmingham City Council. In particular, I have held my Personal Licence for the last nine years or so¹.

¹ Appendix 5

5. During the time I have operated the Business, I have never been subject to proceedings by any authority, for example, Trading Standards, HM Revenue & Customs and/or the Police. Furthermore, I have never been subject to any licence review by Birmingham City council.
6. In order to assist me operate the business, I have one full-time member of staff, my brother Mr Lakhbir Singh (Lakhbir), and one part-time member of staff, Mr Ranjit Sandhu (Ranjit). On occasion I will also seek the assistance of my sons, although not very often.
7. Except s stated below, all the buying of stock is carried out by me, and I source goods from reputable cash and carry's and directly from suppliers by way of visiting *Representatives*.

Trip to India

8. On or around January/February 2021, my younger brother, went to India to visit our parents, as they were unwell and we were extremely concerned about their wellbeing due to Covid-19 and the state of matters in India at that time.
9. As he arrived back in the UK, I was contacted by my parents, who informed me that they had both contracted Covid-19 and needed urgent medical care.
10. Due to their ages, and health issues, I was extremely scared and anxious, furthermore, as the eldest son, and with little to no family support in Punjab, especially due to the horrific Covid-19 conditions in India at the time, I had no choice but to go and be with my parents.
11. I flew out on a flight on Tuesday 23 February from London Heathrow Airport at 8.45 am and arrived at Amritsar Airport on Wednesday 24 February².

² Appendices 1 and 2

12. This was not a planned visit by me, I booked my travel ticket the same day that I was informed of my parents ill health and flew out within a day or two of the same.
13. In normal circumstances, when I am not in the shop, my brother will be working, however on this occasion, due to the urgency of my trip, he had to drop me off to Heathrow Airport.

Visit by Trading Standards – 24 February 2021

14. As I arrived in India, I was contacted by my son, Amrit, who informed me that Trading Standards had been to the shop and seized a number of bottles of *Krackoff Vodka* and some mixed wines³.
15. I now understand the total number of bottles seized was 69.
16. I recall at the time, as I had not long arrived in Punjab, I was more concerned with the health of my parents, however I do recall informing Amrit that we had nothing to worry about as all the stock had been purchased by me from reputable wholesalers and that I would sort it out when I got back home.
17. I was not informed of anything else by Amrit at this stage.

Purchase of Seized Stock – Mixed Wines

18. I arrived back in the UK on Monday 15 March 2021⁴, at which point I spoke with Amrit and we discussed what had happened.
19. It was at this stage that he informed me that a *Representative* had visited the shop on the day I flew out, Tuesday 23 February, offering various spirits, wines and beers for sale at good prices.

³ Appendix 3

⁴ Appendix 1

20. Amrit went onto inform me that the *Representative* had informed him that his company has buying accounts with large cash and carry's and due to the amount of stock that they purchase, they obtain discounts that are not available to customers which they then pass on to the retailers.
21. During the course of this visit Amrit, decided to buy some stock that he thought would sell well.
22. Amrit does not buy stock for the shop, albeit he does sometimes assist me when I go to cash and carry's *etc.*
23. Buying stock is my sole responsibility and I would never buy from a *Representative* who was not from a recognised wholesaler/supplier.

Purchase of Seized Stock – *Krackoff Vodka*

24. I note that the complaint to *crime stoppers* was made in circa February 2020, one year prior to the February 2021 visit by Trading Standards, and due to the passage of time, and the fact that *Krackoff Vodka* is such a slow seller, these bottles have been in stock for a number of years prior to this date.
25. I do not now recall where I purchased them from, and nor have I been able to locate any invoice for them at this time.

Visit by Trading Standards – 29 March 2021

26. A further visit was undertaken by Trading Standards on 29 March 2021, where further stock was seized⁵.
27. Due to the fact that on two separate occasions stock has been seized from the Business, I have now undertaken an *audit* of the stock to satisfy myself that the remaining stock on the premises is legitimate and can be accounted for.

⁵ Appendix 4

28. However, I note that there are some wines seized that are dated 2016, I do not believe that these wines were purchased by Amrit from the *Representative*, and I certainly do not believe that they are counterfeit and/or nonduty paid stock and I put Birmingham City Council to strict proof and wish for them to establish the same.

New/Updated Stock Purchase Procedures

29. As I have stated above, only I purchase stock for the Business.

30. However due to my emergency visit to my parents in India, Amrit tried to use his initiative and purchased stock from a *Representative*, at which he thought was a good price, that he should have not done so, and I find myself having a review of my premises licence.

31. I understand that goods that have been deemed *counterfeit*, were seized from my Business, for which I hold the Personal Licence, but the goods were not purchased by me and I reiterate paragraph 28 above.

32. I also understand as the Personal Licence holder, I have overall responsibility for compliance, and I have now again reiterated and brought processes into place that mean only I can buy stock⁶.

33. This also includes if I am away, and stock lines are sold out, that no one under any circumstances will buy any further stock.

34. I am not *engaged* in or *encourage criminal activity*, I did not buy the seized stock and therefore could not *have known that it was illicit and from a dubious source*.

35. This was a simple mistake by my son.

⁶ Appendix 6

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: _____

Dated: 20/07/21

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-and-

Ark Convenience Stores Limited

Appendix 1

My Trip

TUE, FEB 23, 2021 - London (LHR) to Delhi (DEL) - Confirmed

Air India (AI) 162
Confirmation Number: JECB7

DEPART 8:45 AM LHR
NON STOP
ARRIVE 10:25 PM DEL

PASSENGERS

Name	eTicket Number	Seat	Special Services
ARK, SURINDER SINGH	0983898472310	023C Confirmed	
<input type="checkbox"/> Carry-On 8 Kilograms Bag 1 Chgs May Apply if Bags Exceed Ttl Wt Allowance Bag 2 Chgs May Apply if Bags Exceed Ttl Wt Allowance Bag 3 Chgs May Apply if Bags Exceed Ttl Wt Allowance Bag 4 Chgs May Apply if Bags Exceed Ttl Wt Allowance <input type="checkbox"/> Baggage Allowance 2 Piece Plan Bag 1 Baggage Charges Data Not Available Bag 2 Baggage Charges Data Not Available Bag 3 Baggage Charges Data Not Available Bag 4 Baggage Charges Data Not Available Applies to: LHR ATQ			

Class Of Service: Economy

AIRPORT INFO

Heathrow (LHR)
London, GB
Terminal 2

Delhi Indra Gandhi Int (DEL)
Delhi, IN
Terminal 3

FLIGHT INFO

Boeing 787-8
Meal

WED, FEB 24, 2021 - Delhi (DEL) to Amritsar (ATQ) - Confirmed

Air India (AI) 453
Confirmation Number: JECB7

DEPART 5:55 AM DEL
NON STOP
ARRIVE 7:10 AM ATQ

PASSENGERS

Name	eTicket Number	Seat	Special Services
ARK, SURINDER SINGH	0983898472310	013A Confirmed	
<input type="checkbox"/> Carry-On 8 Kilograms Bag 1 Chgs May Apply if Bags Exceed Ttl Wt Allowance Bag 2 Chgs May Apply if Bags Exceed Ttl Wt Allowance Bag 3 Chgs May Apply if Bags Exceed Ttl Wt Allowance Bag 4 Chgs May Apply if Bags Exceed Ttl Wt Allowance			

Class Of Service: Economy

AIRPORT INFO

Delhi Indra Gandhi Int (DEL)
Delhi, IN
Terminal 3

Raja Sansi Airt (ATQ)
Amritsar, IN

FLIGHT INFO

Airbus A319
Snack

SUN, MAR 14, 2021 - Amritsar (ATQ) to Delhi (DEL) - Confirmed

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Birmingham City Council

-and-

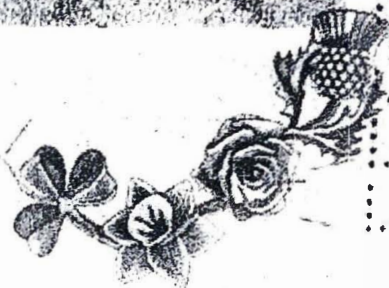
Ark Convenience Stores Limited

Appendix 2

THERE ARE NO OFFICIAL OBSERVATIONS



HOLDER'S SIGNATURE/SIGNATURE DU TITULAIRE



UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

PASSPORT
PASSEPORT

p

GBR

ARK

SURINDER SINGH

BRITISH CITIZEN

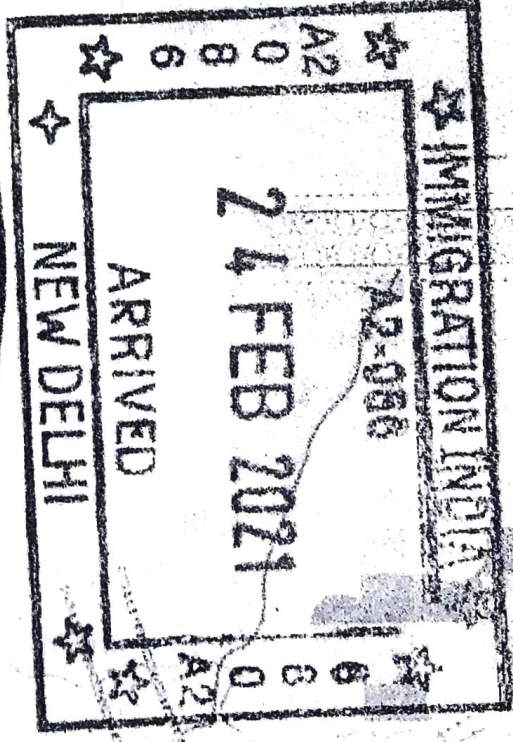
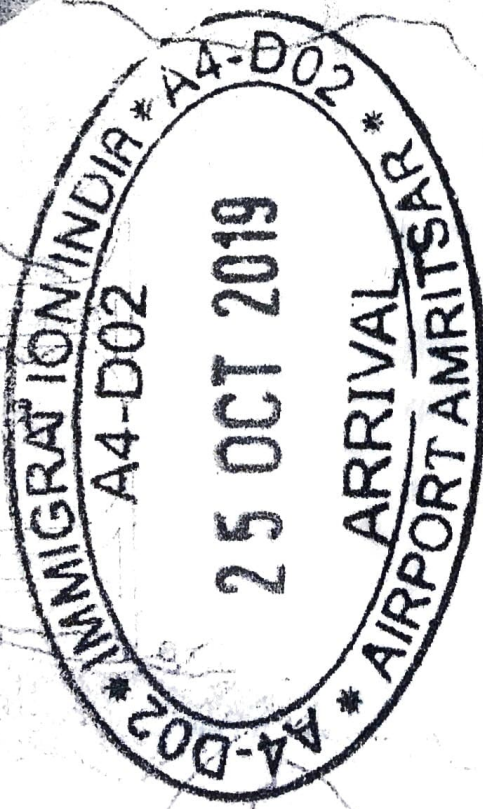
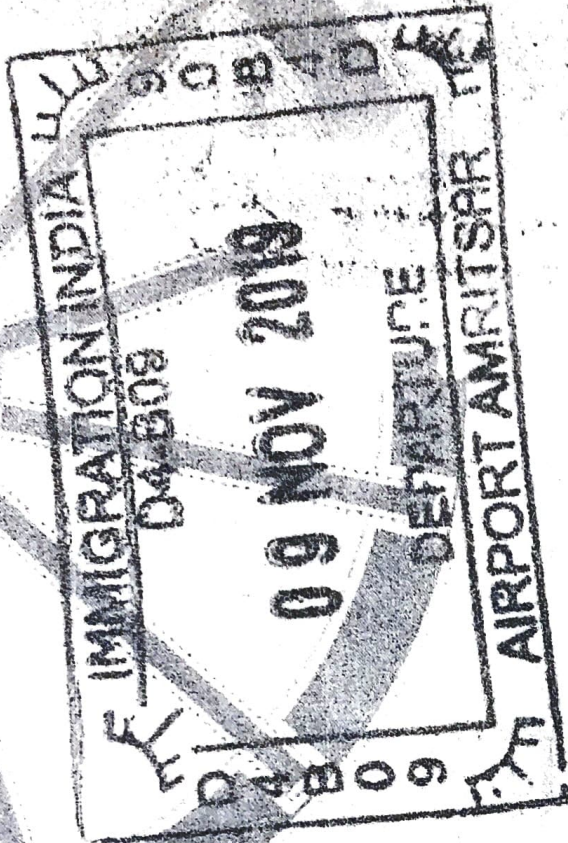
08 NOV / NOV 18 HMPD

08 NOV / NOV 28

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Appendix 3

NOTICE OF POWERS AND RIGHTS
POWERS OF ENTRY WITH / WITHOUT WARRANT**Police and Criminal Evidence Act 1984, Code of Practice B**
Consumer Rights Act 2015

This notice is issued under the above legislation to advise you of your rights, and of the officer's Powers, during this inspection of your premises. Your premises are being inspected because the officer in charge suspects that a criminal offence may have been committed.

Name and Address of Premises:

Suvinet Singh ARK Concrements Shop Ltd
85 Turners Green. Warrimfield.

This inspection is being carried out using ~~statutory powers contained within~~ the legislation detailed below. The statutory powers available may vary depending upon the legislation concerned. Some of the powers the officer may wish to exercise have been summarised, as far as practicable, on the reverse of this notice, together with a summary of your rights.

This inspection is being conducted under powers contained within the following legislation:

TMA 1994 . FSA 1990 .
CRA 2015

The purpose of the inspection is:

CHECK ALCOHOL.

Date of Inspection:

24-2-2021

Time of Inspection:

5.10 pm

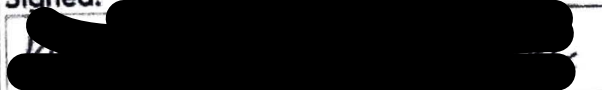
Entry Warrant Used:

Yes ☐No ☒

You should be advised that obstructing a duly authorised officer is a criminal offence. Obstruction includes where a person intentionally obstructs an officer, intentionally fails to comply with instructions given by an officer, without good reason fails to give an officer assistance or information reasonably required and/or makes a statement or a reckless statement which they know is false or misleading.

I have read and understood the details contained within this notice and have received a copy for my records.

Signed:



Print Name:

RANJIT SINGH SANDHU.

Position:

SHOP ASSISTANT.

Authorised Officer Signature:



Print Name:

MARTIN WILLIAMS

Position:

OFFICER IN CHARGE.

SEIZED PROPERTY RECORD

Occupier's Name:

Date:

Suninder Singh

24-2-2021

Premises Name and Address:

Ayl Convenience Store Ltd
85 Turves Green
Northfield

Officer in Charge Name:

Officer in Charge Telephone:

Martin Williams

Exhibit Ref	Description	Location Found	Time Found	Seal Number	S.50/51 Seizure
	2x L 011 1930E1 2019 merlot	front shelf	5.45pm	0605 4305	
	1x 2019 merlot L9318 144E1	front shelf	"	0605 4305	
	1x 2016 merlot L17193	"	"	0605 4305	
	2x 2019 Chiraz L01360040E1	Front shelf	5.50pm	0605 4304	
	1x 2019 Chiraz L01360040E1	Side shelf	5.53pm	0605 4325	
	3x 2016 merlot L01156(2) 147055(1)	Side shelf	5.55pm	0605 4324	
	1x 2019 merlot L0111930E1	side shelf	5.55pm	0605 4324	
	3 Krackoff Vodka (one is separate to be sn off)	shelf behind counter	5.57pm	0605 4321 (1307558)	
	2x yellow foul charackary L014006 56E1	Back fridge	6.01pm	0.19 5190	

Exhibits Officer's Signature:

Occupier's Signature:

CONTINUATION OF SEIZED PROPERTY RECORD

Exhibit Ref	Description	Location Found	Time Found	Seal Number	S.50/51 Seizure
	3 full boxes and one box with 4 bottles. 2019 (wing yellow tail) L01360040 E 1	Back fridge in shop	6:07pm	09915 189 (46-7710)	
	"	"		09915 188	
	"	"		09915 187	
	"	"		09915 186	
	1 full box yellowtail Shiraz L01360040 C 2	Store Room back room	6:15pm	09915 181	
	1 full box yellowtail merlot 2011 L1111930 E 1	Store Room back room	6:20pm	09915 182	
	1 full box yellowtail merlot 2016 L171113	Store Room back room	6:24pm	09915 185	
	1 full box yellowtail Cribernet Sauvignon 2016 L171283	Store Room back room	6:26pm	09915 184	
	1 full box yellowtail merlot 2016 L171113	Store Room back room	6:20pm	09915 183	
	1 bottle of yellowtail merlot 2011 L01111930 E 1	Store Room back room	6:33pm	06015 3224	

Exhibits Officer's Signature:

Occupier's Signature:

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Appendix 4



**NOTICE OF POWERS AND RIGHTS
POWERS OF ENTRY WITH / WITHOUT WARRANT**

**Police and Criminal Evidence Act 1984, Code of Practice B
Consumer Rights Act 2015**

This notice is issued under the above legislation to advise you of your rights, and of the officer's powers, during this inspection of your premises. Your premises are being inspected because the officer in charge suspects that a criminal offence may have been committed.

Name and Address of Premises:

Mr. Singher Singh
85 Turves Green
Birmingham B31 4AH

This inspection is being carried out using statutory powers contained within the legislation detailed below. The statutory powers available may vary depending upon the legislation concerned. Some of the powers the officer may wish to exercise have been summarised, as far as practicable, on the reverse of this notice, together with a summary of your rights.

This inspection is being conducted under powers contained within the following legislation:

SUSPECTED CRIMINAL OFFENCE / CONSUMER RIGHTS ACT 2015
Birmingham City Council

The purpose of the inspection is:

Search inspect for suspected criminal offence

Date of Inspection:

Time of Inspection:

Entry Warrant Used:

29/3/21 11.50

Yes ☐ No ☒

You should be advised that obstructing a duly authorised officer is a criminal offence. Obstruction includes where a person intentionally obstructs an officer, intentionally fails to comply with instructions given by an officer, without good reason fails to give an officer assistance or information reasonably required and/or makes a statement or a reckless statement which they know is false or misleading.

I have read and understood the details contained within this notice and have received a copy for my records.

Signed:

[Redacted Signature]

Print Name:

Ranjit Singh Sandhu

Position:

Shop Ass. Gen

Authorised Officer Signature:

[Redacted Signature]

Print Name:

T. SINGH

Position:

T.S.O.

SEIZED PROPERTY RECORD

Occupier's Name:

M. Sinder Singh

Date:

29/3/21

29/3/21

Premises Name and Address:

Ark Convenience Store Ltd.
88 TRINITY GREEN Birmingham

Officer in Charge Name:

M. Williams

Officer in Charge Telephone:

831 4444

Exhibit Ref	Description	Location Found	Time Found	Seal Number	S.50/51 Seizure
TB/01	2 BOTTLES of PINK GIGGO L9132 1438 EU	Shop floor shelf by door	17:45	06054322	
	2 BOTTLES of PINK GIGGO L9132 1438 EU	Shop floor shelf by door	17:50		
	2 BOTTLES of SANGUIN BLOC L0090816AD	Shop floor shelf by door	17:51		
TB/02	2 BOTTLES of PINK GIGGO L9132 15112 6n 80+)	Stock room	14:10	TS09896	
	2 BOTTLES of PINK GIGGO L9132 1438 EU				

Exhibits Officer's Signature:

[Signature]

Occupier's Signature:

[Redacted Signature]

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Appendix 5.

Certificate of Employers' Liability Insurance (a)

(Where required by regulation 5 of the Employers' Liability (Compulsory Regulations), one or more copies of this certificate must be displayed policy holder employs persons covered by this policy).

1. Policy number

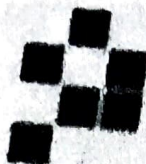
2. Name of policy holder Ark Convenience Stores Limited

3. Date of commencement of insurance policy 25/08/2015

4. Date of expiry of insurance policy 25/08/2016

We hereby certify that subject to

1. the above



Sandwell

Metropolitan Borough Council

Licensing Act 2003 - Personal Licence

Surinder Singh

The holder of this licence is authorised to sell or supply alcohol or to authorise the sale or supply of alcohol in accordance with a Premises Licence granted under the Licensing Act 2003

Licence No: 037389

Expires: 10/09/2022



ADDRESS:

NAME:

Mr. Surinder Singh

PERSONAL

IN THE MATTER OF

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Birmingham City Council

-and-


Ark Convenience Stores Limited

Appendix 6.

Record of Discussion

I agree and understand that I, the undersigned, will not purchase any stock to be sold at **Ark Convenience Store, situated at 85 Turves Green, Birmingham, B31 4AH.**

Furthermore, I understand that stock will only be purchased by **Surinder Singh Ark** and no one else, and if anyone else purchases stock, I will inform **Surinder Singh Ark** immediately and without fail.

Print Name	Sign	Date
Amrit Singh Ark:		<u>02/04/21</u>
Ranjit Sandhu:		<u>02/04/2021</u>
Lakhvir Singh:		<u>02/04/2021</u>
Surinder Singh Ark:		<u>2/04/2021</u>