

STATEMENT OF WITNESS

(Criminal Procedure Rules, r.16.2; Criminal Justice Act 1967, s.9)

Statement of: **Personal data****Age of Witness:** Over 18
(If over 18, enter "Over 18")

This statement (consisting of 7 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 21st October 2025**Signature:****Personal data**

I am a Senior Trading Standards Officer with Buckinghamshire and Surrey Trading Standards and as such I am authorised under the Consumer Rights Act 2015; the Trade Marks Act 1994 and I am a Food Officer. I am making this statement in respect of an application seeking a review of the Premises Licence in relation to Tony's Food & Wine – 149 High Street, Staines. I can confirm that I first attended the premises on 30 January 2024 following receipt of complaints that the premises were selling nicotine inhaling devices (vapes) to children. At the time I was unaware that there had been a change in ownership of the business. I noted that the member of staff appeared to have a poor understanding of English, I provided a letter advising the business about the allegations of the sale of vapes to children together with a copy of some business guidance about underage sales, I produce and identify as **Personal data**/01 a copy of the letter provided to the business. At the time of my inspection, the tobacco products in the gantry were visible and the premises also had cigarettes on open display in the vapes display at the front of the sales counter, this is a breach of Trading Standards enforced legislation; the premises were not displaying their premises licence or the Statutory Tobacco Notice; I also noted that there appeared to be a mattress and bedding in an open cupboard, giving the impression that somebody was sleeping on the premises; I produce and identify as **Personal data**/02 a copy of the photo that I took

Personal data

Signature: _____

Signature witnessed by: _____

at the time; there was chocolate confectionery on sale, which were clearly marked not for individual sale and were without mandatory food information including allergen information; food on sale without mandatory food information including allergen information in English and food on sale with non-permitted additives; I noted that the business were selling Warka Strong beer 6.3% ABV (super strength) for £1.49 and Karpackie beer and Kestrel Super beer both 9% ABV (super strength) for £1.99 and due to concerns about the price of the superstrength beers I requested copy invoices showing the supply of these products. Prior to leaving the premises I spoke to a male on the telephone who told me that he was the owner of the business and I explained to him the various issues discovered during the course of the inspection; he denied that the business sold vapes to children and instead named 3 other businesses in the vicinity which he stated sold age restricted products to children and stated that his member of staff had received abuse for refusing to serve vapes to children. I now know this male as Kajanan VINAYAGAMOORTHY. I left a copy of my inspection report detailing the non-compliances and the action required of the business before leaving the premises, I produce and identify as **Personal data** 03 a copy of the inspection report. On 31 January 2024, following receipt of an email from Kajanan VINAYAGAMOORTHY requesting a pdf copy of the inspection report, I sent him a typed version of the inspection report and he provided me with a number of photos confirming action taken and providing names of some of his suppliers but no invoices; I also provided him with an email address to contact Spelthorne Licensing Team to obtain a copy of the premises licence. I subsequently contacted Police Licensing and Surrey Fire & Rescue Service about the issues discovered and received confirmation from Surrey Fire & Rescue Service that they had visited the premises on 02 February 2024 and had discovered the bedding and mattress and that this had been disposed of; they provided me with a copy of the letter that had been written to Kajanan VINAYAGAMOORTHY on 13 February 2024; Police Licensing also confirmed that they had contacted the named Designated Premises Supervisor on the premises licence and he had confirmed that he had left the business in February 2022. It is unclear exactly when Kajanan VINAYAGAMOORTHY took over ownership of Tony's Food & Wine, a Food Registration form was received in the name of Everydayz VM Ltd on 30, **Personal data**

Signature: _____

Signature witnessed by: _____

January 2024, showing Kajanan VINAYAGAMOORTHY as the Director and stating that the business started trading on 01 June 2023; Everydayz VM Ltd was incorporated on 14 November 2023; the Premises Licence and Designated Premises Supervisor was transferred into the name of Monisha VINAYAGAMOORTHY on 12 February 2024 and then both were transferred again into the name of Mr Praveen VINAYAGAMOORTHY on 23 November 2024; **Personal data**

Personal data; it appears that at the time of the inspection, the premises was without a Designated Premises Supervisor. An underage test purchase at the premises was undertaken on 12 February 2024 and on this occasion the premises refused to sell to the child assisting with the operation. On 13 January 2025, intelligence was received that the premises were selling illicit vapes; these are vapes which breach the Regulations, exceed the maximum permitted limits for nicotine containing devices and which have not been safety assessed or registered with MHRA as required by the legislation at the time. On 24 March 2025, intelligence was received that the premises were selling age restricted products to children. On 16 April 2025 a multi-agency visit to the premises was undertaken; at the time we entered the premises, there was a female working behind the counter, it appeared that she had a poor understanding of English. I noted that the shop floor area appeared to have been extended. A significant quantity of the stock was not priced unless the goods were price marked; this is contrary to Trading Standards enforced legislation; the premises had food on sale without mandatory food information including allergens information in English; imported food on sale with non-compliant food information and food on sale containing non-permitted additives – the same products had been discovered on sale during the inspection in January 2024 and the business had been advised fully at that time. The display of tobacco was also visible to customers, contrary to legislation enforced by Trading Standards. To the rear of the shop, I discovered a kitchen area, which was being used to store stock; in the bottom cupboards of the kitchen sink unit and on a shelf above the kitchen sink, I discovered a number of carrier bags containing tobacco products and nicotine containing vapes; on examination the majority of the cigarettes appeared to be illicit whites (cigarettes not intended for the UK Market), some Marlboro Gold cigarettes had, **Personal data**

Signature: _____

Signature witnessed by: _____

indicators of being counterfeit and Gold Flake cigarettes were in packs of 10, in breach of Trading Standards enforced legislation, all cigarettes were in branded packaging rather than in plain packaging, in breach of Trading Standards enforced legislation and not labelled or intended for the UK market. The majority of the vapes discovered exceeded the maximum permitted single tank size and were missing required information; these vapes have also not been registered with MHRA or gone through the required safety assessments; in addition there were a small number of compliant vapes mixed in with the illicit vapes and tobacco; I seized 420 Platinum Seven Blue cigarettes; 20 Platinum Seven Red cigarettes; 200 Platinum Seven Gold cigarettes; 180 Top Gun cigarettes; 30 Gold Flake cigarettes (3 x packs of 10) and 80 Marlboro Gold cigarettes, a total of 930 sticks were seized. I seized 30 x Crystal Pro Max nicotine containing vapes; 6 x WGA Crystal nicotine containing vapes; 8 x Hayati Pro Max nicotine containing vapes, 1 x Hayati Pro Ultra nicotine containing vape; 1 x R & M Tornado nicotine containing vape and 1 x Twister Bar nicotine containing vape. I also checked the rear covered yard and outbuilding and can confirm that no further illicit stock was discovered in these areas. Whilst we were in the premises, the female member of staff was talking on her mobile phone; I spoke to the person on her phone, who confirmed he was the owner; I explained the issues I had discovered and that I would be seizing the tobacco and vapes and he provided me with an unsolicited comment that the vapes had been removed from sale as his customers were not interested in buying them and that his customers had kept asking him for cheap cigarettes and he had decided to stock them for his customers and because everyone locally were selling them. I left a copy of an inspection report at the premises before leaving; I produce and identify as **Personal data** 04 a copy of the inspection report and I produce and identify as **Personal data** 05 – **Personal data** 11 a copy of the photos I took of the tobacco and where it was being stored on the premises; shortly afterwards I received a telephone call from I believe the same male I spoke to whilst I was in the shop and I received a number of WhatsApp messages from the same number at 19.03 – 19.05 hours which stated that it was from Praveen confirming that he had received the inspection report, had removed a number of items as requested and that he had requested invoices from his supplier; I received a further message on 18th April 2025 **Personal data**

Signature: _____

Signature witnessed by: _____

confirming the invoices had been sent. These documents were received by email; one invoice supplied is dated 16/04/2025, the second is dated 17/04/2025, the copy of the third invoice does not have the date in the picture. Samples of the Marlboro Gold cigarettes have been submitted to the Brand Holder who have confirmed that these cigarettes are counterfeit. Further intelligence has been received that whilst the business stopped selling illicit tobacco for a period of time, the sale of illicit tobacco from the shop started again within a few weeks. 27/08/2025 an alcohol underage sales test purchase operation was undertaken by Surrey Police in the Central Staines area; of the 5 premises tested, only Tony's Food & Wine sold alcohol to the child assisting with the operation. I joined Surrey Police Officers at the premises shortly afterwards and can confirm that I inspected the kitchen area and identified a display of Single Use Vapes displayed on the shelving unit over the sink, I produce and identify as **Personal data**¹² a copy of the photograph I took of the display; I checked the cupboard under the sink, where I had discovered illicit tobacco concealed in April 2025; on this occasion, I discovered under another bag of items, a bag containing cigarettes which I can confirm are illicit whites, a total of 280 sticks of Top Gun cigarettes were discovered in the bag and 420 Single Use Vapes were discovered displayed on the shelving; Single Use Vapes have been banned since 01 June 2025; I produce and identify as **Personal data**¹³ a copy of the photograph I took of the bag containing the illicit cigarettes; access to the outbuilding was initially prevented as a fingerprint padlock had been installed since the inspection in April 2025; the female member of staff and manager on the telephone denied being able to open the padlock; access was achieved by the Police. Inside the outbuilding a suitcase was discovered which was found to contain both illicit tobacco (cigarettes and hand rolling tobacco) and illicit vapes, these were seized by the Police; a total of 160 sticks of Gold Flake cigarettes in packs of 10, contrary to Trading Standards enforced legislation; 564 sticks of Euro cigarettes; 200 sticks of Platinum 7 Gold cigarettes; 20 sticks of Platinum 7 Blue cigarettes; 160 sticks of Richmond cigarettes; 20 sticks of Marlboro Double Burst Menthol cigarettes (in breach of Trading Standards enforced legislation as to flavours); 100g Amber Leaf Hand Rolling Tobacco and 20 illicit vapes all above the maximum single tanks size and not on the MHRA database were seized; I produce and **Personal data**

Signature: _____

Signature witnessed by: _____

identify as **Personal data** 14 – **Personal data** 15 a copy of the photographs I took of suitcase and the seized tobacco removed from the suitcase and I produce and identify as **Personal data** 16 – **Personal data** 23 a copy of the photographs I took of the various brands of tobacco that were seized. A further 1043 Single Use vapes were seized by the Police from displays on the sales counter and behind the sales counter; whilst the Designated Premises Supervisor denied that these vapes were Single Use, saying he had been told by his supplier that they were legal; these have been examined by both myself and a colleague who is a member of the National Vapes Expert Panel and have been confirmed as being Single Use. I can confirm that samples of the Richmond cigarettes and the Amber Leaf Hand Rolling Tobacco have been submitted to the Brand Holder who has confirmed that both products are counterfeit. On 03 September 2025, I emailed the business as during the course of the visit on 27 August 2025, I had noticed that the premises were selling Labubu dolls, which had indicators of being counterfeit and potentially were unsafe toys and they were also selling an imported soft drink with a non-permitted additive, in respect of which I had already advised the business about in January 2024; I instructed the business that these items had to be removed from sale and disposed of responsibly and I requested copy invoices showing the supply of these items to the business. On 15 September 2025, I emailed the business again, as they had failed to provide the traceability information by the deadline and to confirm that the vapes seized from the shop counter area breached the Environmental Protection Single Use Vapes Regulations and would not therefore be returned. I received an email response from the business on the same day, stating that they couldn't find the invoice for the Labubu dolls as they were old stock and stating that both the soft drink and the vapes were purchased from a name supplier but no actual invoices showing the supply of the products were provided. No further contact has been received from the business. On 08 August 2025 a colleague attempted a covert test purchase of illicit tobacco, but the premises was closed at 11.30 hours and remained closed for approximately an hour. A further attempt was made on 29 August 2025, the premises was closed at 10.00 hours, but was found to be trading at 11.45 hours. My colleague asked the female member of staff whether they had Top Gun or Platinum cigarettes available she responded, and I quote: "No" **Personal data**

Signature: _____

Signature witnessed by: _____

Continuing Witness Statement of: **Personal data**

Page 8

longer selling Top Gun, Platinum cigarettes or other cheap cigarettes. Problem police came last week. Now only selling English cigarettes." **Personal data**

Signature: _____

Signature witnessed by: _____