

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 Constable 113 Bryan on behalf of the Chief Officer of Police for Northamptonshire
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Fresh Pol 35-41 Montagu Street	
Post town Kettering	Post code (if known) NN16 8XG

Name of premises licence holder or club holding club premises certificate (if known) Fresh Pol Supermarket Ltd
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Number of premises licence or club premises certificate (if known) 17/01669/LAVDPS 17/00104/LATRAN 15/02518/LAPNEW
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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 PC 113 D.Bryan, Wellingborough Police Station Wellingborough Northamptonshire NN8 1HF
Telephone number (if any) 101 EXT 343409
E-mail address (optional) david.bryan@northants.pnn.police.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"/> |

Please state the ground(s) for review (please read guidance note 1)

I act on behalf of the Chief Officer of Police Mr Edens, he has delegated responsibility and authorised me to act on his behalf with regard to representations made by Northamptonshire Police to Licensing Authorities across the county of Northamptonshire.

Northamptonshire Police call for the Review of the Premises Licence for Fresh Pol Express under the Licensing Objective of the Prevention of Crime and Disorder.

This application relates to the premises being used for criminal purposes, that of being used for the storage and sale of smuggled tobacco from 2016 to 2018.

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

1) On the September 2016 Northamptonshire Conty Council (NCC) Trading Standards Department (TSD) conducted a Test Purchase exercise at Fresh Pol and one packet of illegal (foreign labelled) Marlboro Gold cigarettes was purchased.

2) On the 21st of December 2016 a warning notice detailing the Test Purchase was left at the premises for the then owner of the business.

3) On the 6th of February 2017 NCC TSD received a complaint that Fresh Pol were selling illegal tobacco products.

4) On the 23rd of May 2017 NCC TSD received further information from a different source that Fresh Pol were selling illegal tobacco products.

5) On the 12th of July 2017 NCC TSD were made aware that on the 16th of June 2017 Test Purchases were carried out at Fresh Pol by an independent organisation working on behalf of one of the major tobacco companies. A purchase was made of four packets of illegal foreign labelled and counterfeit cigarettes.

6) On the 23rd of August 2017 NCC TSD issued a letter to Fresh Pol detailing the Test Purchases made in June 2017.

7) On the 8th of November 2017 NCC TSD carried out an inspection at the premises Officers from Her Majesty's Revenue and Customs (HMRC). During this inspection a key was discovered in the till and it opened the shutters at the rear of the building which led into a warehouse. In total 3191 packet of illegal (some foreign labelled) cigarettes and 75 pouches of illegal (some foreign labelled) hand rolling tobacco were seized. At least 2500 of these packets were counterfeit. In addition HMRC Officers seized a quantity of alcohol as those present in the shop could not provide relevant invoices.

8) On the 1st of December 2017 another inspection of the premises took place by NCC TSD, Northamptonshire Police, and KBC Officers. Whilst in the store a number of customers came into the premises asking for cigàrettes or tobacco, one male customer was heard to ask for Mayfair cigarettes and when the shop assistant went to fetch some from the display the customer was heard to say "Not those, I want the ones from out the back" and pointed towards the back of the shop. Access was again gained to rear storage area/warehouse and although no illigal tobacco products were discovered a large quantity of alcohol on pallets were located.

9) On the 5th of December 2017 NCC TSD visited the premises with Officers from HMRC who seized the alcohol as the premises could not provide relevant invoices. Again customers were heard to ask for cigarttes and when offered packets from the display refused them and walked out.

10) On the 26th of December 2017 NCC TSD conducted a Test Purchase at Fresh Pol and was sold a packet of illicit cigarettes.

11) on the 4th of February 2018 NCC TSD conducted a Test Purchase at the premises one packet of illicit cigarettes was purchased.

12) On the 6th of February 2018 the premises was visited by NCC TSD Officers, Kettering Borough Council Officers, and Officers from Northamptonshire Police in addition a tobacco detection dog was utilised. searching the premises lead to the warehouse situated at the rear of the premises to be searched, 629 packets of illegal

cigarettes (of which 59 are believed to be counterfeit) were discovered and 3 pouches of illegal hand rolling tobacco were seized. The premises was linked to the warehouse not only by a key from a previous visit but also a self made pipe that was situated in a store room within Fresh Pol, this pipe lead up through the ceiling into the warehouse office area above the store. A concealed room was discovered above which also contained a large quantity of alcohol, Officers from HMRC attended and seized the alcohol as no relevant invoices could be provided by persons within the premises.

When Officers were within the store a member of the public reported that there were people on the roof of the warehouse throwing boxes of cigarettes down to a person who had their car parked at the rear of the warehouse. When Officers made their way around to the rear a car with a single male occupant drove off at speed, the front passenger seat was piled high with cigarette boxes. Officers gained access to the roof of the building and discovered more cigarettes concealed on the roof, access was also gained into the warehouse from the roof. This led to a search of the building where a concealed room was discovered, the attached images detail the concealed room, the pipe leading up from the shop to the concealed room and also a large quantity of alcohol.

These papers will have attached a statement from Carol Gamble NCC TSD which will give a more detailed account of the interactions with the premises from the summary given in these papers.

When making this application Northamptonshire Police have consulted the statutory section 182 guidance that accompanies the Licensing Act 2003, specifically paragraphs 2.1, 11.24 to 11.28.

In addition the Licensing Sub-Committee must be satisfied that any measures that they deem fit and appropriate to address the Licensing Objective of the Prevention of Crime and Disorder. In this individual instance this centres directly on the management of the premises. To modify the Premises Licence and/or remove the Designated Premises Supervisor in Northamptonshire Police's opinion would not curtail this criminal activity as already detailed in these Review papers. It is also the opinion that a restriction of the Licensing hours would also not address the criminality.

R (Bassetlaw District Council) v Worksop Magistrates Court outlines the case that the action (s) taken by the Licensing Committee can be punitive. Northamptonshire Police ask the Licensing Committee to consider revocation of this particular licence in the interest of the wider community for reasons detailed in these papers. The wider community in this instance

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

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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



Capacity Northamptonshire Police Licensing Officer

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.

**NORTHAMPTONSHIRE COUNTY COUNCIL
Trading Standards**

STATEMENT OF WITNESS

(Criminal Procedure Rules, r27.1(1); Criminal Justice Act 1967, s.9, Magistrates' Court Act 1980, s.5B)

Statement of Carol Louise Gamble **Age of Witness:** Over 18

Occupation of Witness: Trading Standards Officer

This statement (consisting of 5 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.

Dated the 19th day of February 2018 (Signed):

Carol Louise Gamble

I am employed by Northamptonshire County Council as a Trading Standards Officer based at Wootton Hall Park, Northampton. I am the Community Safety Manager for the Service and one of the areas of work that I am responsible for is illegal tobacco. The information that I will provide in this statement has been obtained from the business records of this Service.

To provide some background, there are various types of illegal tobacco. The two main types that I will refer to in this statement are as follows:

Counterfeit – cigarettes which are illegally manufactured without the permission of the trade mark owner contrary to the Trade Marks Act 1994.

Smuggled – 'genuine' cigarettes made for (mainly) European markets that are smuggled into the UK and no duty is paid. The health warnings will be in the language of the country where they were intended for sale (foreign labelled) contrary to the Tobacco and Related Products Regulations 2016 [previously the Tobacco Products (Manufacture, Presentation and Sale)(Safety) Regulations 2002].

Illegal tobacco is sold at a price significantly lower than that of legal tobacco and deprives the UK of vital revenue which could be used to fund essential public services. The illegal tobacco trade damages legitimate businesses, undermines public health and facilitates the supply of tobacco to young people.

According to the Guidance issued under section 182 of the Licensing Act 2003, certain criminal activity that may arise in connection with licensed premises should be treated particularly seriously. This includes the use of the licensed premises for the sale and storage of smuggled tobacco and alcohol.

Continuation Statement of: **Carol Louise Gamble**

On the 26th June 2015, this Service sent a letter to Adam BRANECKI in relation to his premises licence application for FRESHPOL, 35 – 41 Montagu Street, Kettering, NN16 8RA. This letter makes reference to the keeping of smuggled goods on the premises and I produce a copy of this letter as exhibit CLG/1.

On the 2nd September 2016, this Service conducted a test purchasing exercise at FRESHPOL using an Eastern European test purchaser employed by the Service solely for this purpose. One packet of illegal (foreign labelled) Marlboro Gold cigarettes was purchased for £5.00.

On the 21st December 2016, a warning notice detailing this test purchase was left at the premises for Mr SAHAE as this was the name provided by the manager as being the owner of the business. I produce a copy of this notice as exhibit CLG/2.

On the 1st February 2017, this Service conducted a test purchasing exercise at FRESHPOL using an Eastern European test purchaser employed by the Service solely for this purpose. No illegal tobacco was sold at this time.

On the 6th February 2017, this Service received a complaint that FRESHPOL were selling illegal tobacco.

On the 23rd May 2017, this Service received a further complaint from a different source that FRESHPOL were selling illegal tobacco.

On the 12th July 2017, this Service was made aware that on the 16th June 2017, test purchases were carried out at FRESHPOL by an independent organisation working on behalf of one of the major tobacco companies. A purchase was made of four packets of illegal (foreign labelled and counterfeit) cigarettes for £22.00.

Two further complaints, from different sources, alleging the supply of illegal tobacco from FRESHPOL were received by this Service.

On the 23rd August 2017, FRESHPOL was visited and a letter issued to Mr Sammy SALARI advising him of the further test purchase in June. I produce a copy of this letter as exhibit CLG/3.

At this time, a letter was also issued to two members of staff informing them that the premises would be under surveillance to monitor compliance. I produce a copy of these letters as exhibits CLG/4.

Two further complaints, from different sources, alleging the supply of illegal tobacco from FRESHPOL were received by this Service.

Continuation Statement of: **Carol Louise Gamble**

On the 8th November 2017, an inspection of FRESHPOL was carried out by officers from this Service and from HMRC. During this inspection, a key was found in one of the tills and it opened the shutters at the rear of the building which led into a warehouse. In total, 3191 packets of illegal (some foreign labelled) cigarettes and 75 pouches of illegal (some foreign labelled) hand rolling tobacco were seized from this part of the premises. I produce a copy of the notice and seizure log as exhibit CLG/5. At least 2500 of these packets of cigarettes are also counterfeit. During this visit, HMRC officers seized a quantity of beer as those present at the premises could not provide relevant invoices.

Two further complaints alleging the supply of illegal tobacco were received by this service.

On the 27th November 2017, a letter was issued to four members of staff informing them that the premises would be under surveillance to monitor compliance. The content of this letter is identical to exhibit CLG/4.

On the 1st December 2017, an inspection of FRESHPOL was carried out by officers from this Service. The cigarette gantry behind the till contained only six packets of cigarettes. Whilst at the premises an officer noted a number of customers coming in asking for cigarettes or tobacco. The staff either said they didn't have any or offered the ones from the gantry. An officer heard one male customer ask for Mayfair cigarettes and when the sales assistant went to get some from the tobacco gantry he said, "Not those, I want the ones from out the back" and pointed towards the back of the shop.

As none of the sales assistants were providing reasonable assistance to access storage areas within the premises, using powers under the Consumer Rights Act 2015, officers gained access to a large storage area. Although no illegal tobacco was found, a large quantity of beer was being stored on pallets within this area. Officers secured the area and on the 5th December 2017 returned with officers from HMRC. During this visit, HMRC officers seized a quantity of beer as those present at the premises could not provide relevant invoices. Whilst at the premises, an officer from Trading Standards noted that the cigarette gantry only displayed four packets of cigarettes. He also noted three customers enter the shop asking for cigarettes/tobacco and when they were offered the products from the gantry they all refused them and left.

Two further complaints alleging the supply of illegal tobacco were received by this Service.

Continuation Statement of: **Carol Louise Gamble**

On the 26th December 2017, an officer from this Service went to FRESHPOL and asked to purchase 20 Richmond cigarettes. The male behind the counter got down onto his hands and knees just to the left of the till. The officer could hear metal being moved and the rustling of a plastic bag. The male was on his knees for approximately 1 minute. He then stood up, put one packet of 20 Richmond cigarettes on the counter and said "£3.50". The money for the illegal tobacco was placed into the till.

On the 9th January 2018, Mr Makwan SHEKA attended the Trading Standards Office to be interviewed in accordance with the requirements of the Police and Criminal Evidence Act 1984. During this interview under caution, he confirmed that he was the sole director of World Food Groceries Ltd and had taken ownership of the business in October 2017. He appeared to have no knowledge about any aspects of the business he allegedly owned.

On the 2nd February 2018, a monitoring and surveillance letter was sent by e-mail to Makwan SHEKA. The content of this letter is identical to exhibit CLG/4.

On the 4th February 2018, an officer from this Service went to FRESHPOL and asked to purchase 20 Mayfair cigarettes. The male behind the counter went through a door near to the counter and came back with a packet of 20 Mayfair cigarettes. The cost of these cigarettes was £4.00 and the money was placed in the till.

On the 6th February 2018, an inspection of FRESHPOL was carried out by officers from this Service together with a tobacco detection team and officers from Kettering Borough Council, Immigration Enforcement, HMRC and Northamptonshire Police. On this occasion, the cigarette gantry behind the till contained only one packet of cigarettes. The premises concerned is a large ex furniture warehouse/shop with many adjoining rooms and corridors. Some additional stud walls have been inserted to create possible concealments. During the inspection a quantity of illegal tobacco was found in a concealed room and seized. In total 629 packets of illegal cigarettes (of which 59 are believed to be counterfeit) and 3 pouches of illegal hand rolling tobacco were seized. I produce a copy of the notice and seizure log as exhibit CLG/6.

During this visit, HMRC officers seized a quantity of beer and vodka as those present at the premises could not provide relevant invoices.

With premises selling illegal tobacco, it is notoriously difficult to ascertain who the true owner of the business is as they wish to remain as anonymous as possible to avoid any sanctions.

Continuation Statement of: **Carol Louise Gamble**

This Service believes that the business was originally owned by Freshpol Supermarket Ltd (09825801). Adam BRANECKI was a director and the premises licence holder. On his resignation Sarhad SALARI became a director of the business. Mr SALARI resigned in October 2017. The current director of this business is Makwan Mohammed SHEKA. Mr SHEKA is also the director of World Food Groceries Ltd (11029232); the current owner of the business.

The current premises licence is held by Freshpol Supermarket Ltd with Jamshid Ahmed ALI as the DPS.

According to Land Registry records, the freehold of the premises is owned by Action House Services Ltd, 35 – 41 Montagu Street, Kettering, NN16 8RA. Mr SALARI is a director of this business. The leasehold of the premises is held by Daniel PIETRAHO and Sarhad Hasan Mohammed SALARI of 35 – 41 Montagu Street, Kettering, NN16 8RA.

Gharani BANI has been liable for the business rates since 22/02/2016. His address is All Accountancy Services Limited, 263-265 Soho Road, Handsworth, Birmingham, B21 9RY. This is also the registered office address for Freshpol Supermarket Ltd and World Food Groceries Ltd at Companies House.

None of the names associated with the alleged ownership of the business or the premises have been present at the premises during any of the visits made by Trading Standards or HMRC.

The records to which I have made reference were created or received by a person in the course of a trade or business, and the person who supplied the information contained in the records had or may reasonably be supposed to have had personal knowledge of the matters dealt with, and each person through whom the information was supplied received the information in the course of a trade or business.



CLE/1



Northamptonshire County Council

Mr A BranECKi
4 Oak Avenue
Hampton Hargate
Peterborough
PE7 8FR

Please ask for: Mrs Rachel Bennett
Tel: 01604 362469
Our ref: C/310315
Your ref:
Date: 26 June 2015

Dear Adam BranECKi

**Licensing Act 2003
FreshPol Supermarket, Montagu St, Wellingborough**

We have received your premises licence application in relation to the above premises.

Part M of this application deals with the steps that you intend to take to promote the licensing objectives of:

- a) General
- b) The prevention of crime and disorder
- c) Public safety
- d) The prevention of public nuisance
- e) The protection of children from harm

With regard to point e) we consider the detail in your application insufficient and would expect you to make reference to the following matters:

- Asking for proof of age and valid types of proof of age cards (PASS Cards)
- Staff training and keeping a record of the training
- Use of refusals register
- Display of relevant posters
- Till prompts where appropriate

Please confirm to ourselves via the email below that you will adopt the principles listed above.

I am enclosing a 'No Proof No Sale' pack for your information and guidance.

I would also like to take this opportunity to remind you of the relevant legislation. Under the above legislation, it **is an offence to sell alcohol to an individual aged under 18**. The maximum penalty for breaches of this legislation is £5000. It is also an offence to knowingly allow the sale of alcohol to an individual aged under 18. You should also be aware that a conviction for

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e. rbennett@northamptonshire.gov.uk

selling alcohol to a person under the age of 18 may affect your fitness to hold a personal licence allowing you to sell alcohol. In addition, the Police are able to issue an £90 fixed penalty notice to a person who sells alcohol to an individual under the age of 18.

A person who holds the Premises Licence in respect of the above premises is guilty of an offence if, on two or more different occasions within a period of three consecutive months, alcohol is unlawfully sold on the same licensed premises to an individual aged under 18. A conviction for this offence may incur a penalty of up to £20,000 and a suspension of the licence for the sale of alcohol for a period of up to three months. Alternatively, a closure notice may be issued which prohibits the sale of alcohol from the premises for a period not exceeding 48 hours.

You are required to ensure that neither you, nor your staff, sell alcohol to any person under the age of 18. You should also ensure that you do not sell any age restricted products to any person under the statutory age. If you are in any doubt as to the age of a young person seeking to purchase any age restricted product, you should ask for valid photographic proof of their age – a passport, photo driving licence or PASS accredited proof of age card. Examples of valid proof of age cards are shown on the poster provided. It is not an acceptable practice for you or your staff to merely ask the purchaser how old they are.

Posters promoting the 'Challenge 21' scheme are also provided and you should ensure that when young people seek to purchase any age restricted products your staff always ask for proof of age if they look under 21. If the purchaser cannot provide valid proof of age as described above, the sale should be refused.

If you would prefer to adopt the 'Challenge 25' scheme, you can find more information and posters to download at <http://www.wsta.co.uk/Challenge-25.html>

I would also like to draw your attention to the other examples of best practice in the section headed 'Due diligence and reasonable precautions' contained in the 'Age restricted products' leaflet. These include the use of a refusals register by staff to record any instances where the sale of an age restricted product has been refused (a refusals register is enclosed for your use), and information about staff training and recording the training in writing.

Test Purchasing exercises are carried out at regular intervals to monitor compliance with the legislation, and your premises may be visited in the future.

Smuggled Goods

You should also be aware that it is an offence under the Licensing Act to keep, or allow to be kept, goods which have been imported unlawfully or without payment of duty.

If you have any queries regarding this matter, please do not hesitate to contact me.

Further advice on trading standards and other regulations may be found on www.northamptonshire.gov.uk/tradingstandards or www.businesscompanion.info/en

Yours faithfully,

Rachel Bennett
Senior Authorised Officer

22/2

74036



Northamptonshire County Council

BR - FreshPol Supermarket Limited
35-41 Montagu Street
Kettering
Northants
NN16 8XG

Please ask for: Nick Lenton
Tel: 01604 362468
Our ref: V74036
Your ref:
Date: 21st December 2016

Dear *Sammy SAHAE*

**TOBACCO AND RELATED PRODUCTS REGULATIONS 2016
CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008
CONSUMER PROTECTION ACT 1987
CONSUMER RIGHTS ACT 2015
TRADE MARKS ACT 1994
GENERAL PRODUCT SAFETY REGULATIONS 2005**

On the 2nd September 2016 this Service carried out a tobacco test purchasing exercise using a person employed by this Service for this particular purpose. This person was able to purchase foreign labelled tobacco, at a price significantly less than legitimate tobacco. The test purchaser purchased a packet of 20 Marlboro Gold cigarettes and paid £5.00. The seller is described as a Polish female aged 22-27 years, athletic build, 165-170cm tall, dark blonde ponytail.

Under the above legislation, it is an offence to supply or have in your possession for supply tobacco that is not labelled with the required warnings. Each packet must carry in ENGLISH:

- ✓ A combined health warning including one of the statutory text warnings and associated colour photograph on the front and back surfaces together with smoking cessation information, and
- ✓ A general warning consisting of the text "Smoking kills – quit now" and an information message consisting of the text "Tobacco smoke contains over 70 substances known to cause cancer".

Trading Standards
Wootton Hall Park
Northampton
NN4 0GB

w. www.northamptonshire.gov.uk
t. 01604 362466
f. 01604 362425



If you would like further information about the labelling of tobacco products including the introduction of plain packaging, please go to:

<https://www.businesscompanion.info/printpdf/en/quick-guides/business-information-other/tobacco-etc-labelling-advertising-and-packaging>

If you require a hard copy of this guidance, please contact us to request this.

You must ensure that, in future, you do not supply tobacco which does not comply with the requirements of the above legislation. **It is illegal to supply or have in your possession for supply foreign labelled tobacco.** There may also be implications under legislation enforced by HMRC if you are supplying non duty paid items.

You should be aware that a breach of the legislation covering the labelling of tobacco as detailed above could result in a maximum penalty of 2 years imprisonment and/or a fine. If the tobacco was also found to be counterfeit, a breach of the Trade Marks Act 1994 could result in a maximum penalty of 10 years imprisonment and an unlimited fine.

Legitimately manufactured cigarettes are required by law to have Reduced Ignition Propensity (RIP) paper which means that the cigarettes will self-extinguish if left unattended. Counterfeit and non-duty paid tobacco products do not usually have this RIP paper and are considered to be unsafe. The maximum penalty for non-compliance with this legislation is a fine of up to £20,000 and/or 12 months imprisonment.

We do monitor the sales of illegal products around the County and work closely with our partner agencies to ensure that illegal sales are dealt with appropriately.

If you have any queries regarding this matter, please contact Nick Lenton on the telephone number overleaf.

Yours sincerely



Carol L. Gamble
Community Safety Manager

Name:.....**MONIKA KOZIEL**.....

Signed:..........

Position:.....**MANAGER**.....



Northamptonshire County Council

Sammy Salazar
1/a Freshpool
35-41 Montagu Street
Kettering
Northants
NN16 8XG

Please ask for:
Tel
Our ref
Your ref:
Date:

Nick Lenton
01604 382468
C332902

23/08/2017

Dear *Mr Salazar*,

TRADE MARKS ACT 1994
PROCEEDS OF CRIME ACT 2002
COPYRIGHT, DESIGNS AND PATENTS ACT 1988
TOBACCO AND RELATED PRODUCTS REGULATIONS 2016
CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008

This Service has recently received three complaints alleging that you are selling illegal tobacco products. We have also been made aware that a representative of a tobacco company has visited your premises on 16th June 2017 and made a test purchase of Polish cigarettes. They have also confirmed these cigarettes to be counterfeit. You are therefore reminded of the requirements of the above legislation.

Under the Trade Marks Act 1994, it is an offence with a view to gain for yourself or another, to have in your possession, custody or control for sale, in the course of a business, goods which bear marks identical to, or likely to be mistaken for, registered trade marks without the consent of the trade mark holder. It is also an offence to apply such a sign to goods and to sell, offer for sale or hire goods which bear such a sign, without the consent of the trade mark holder. This would also constitute an offence under the Copyright, Designs and Patents Act 1988.

You should be aware that a breach of the legislation covering the supply of counterfeit goods could result in a maximum penalty of 10 years imprisonment and an unlimited fine.

The Consumer Protection from Unfair Trading Regulations 2008, prohibit unfair commercial practices including stating or otherwise creating the impression that a product can legally be sold when it cannot and misleading actions including creating confusion with any products, trade marks, trade names or other distinguishing marks of a competitor or if the commercial practice contains false information in relation to the nature, attributes and

Trading Standards Service
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Northampton
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Northamptonshire
County Council

rights of the trader. A trader is guilty of an offence if he engages in these commercial practices.

The above Regulations require all tobacco products to bear the following:

- a) A combined health warning consisting of:
 - i) One of the text warnings listed in Annex I to the Tobacco Products Directive together with a corresponding colour photograph, as specified in the picture library in Annex II to the Directive; and
 - ii) The following smoking cessation information: "Get help to stop smoking at www.nhs.uk/quit" and
- b) The following health warnings:
 - i) A general warning consisting of the text: "Smoking kills – quit now"; and
 - ii) An information message consisting of the text: "Tobacco smoke contains over 70 substances known to cause cancer"

These health warnings must be in English and it is an offence to supply or have in your possession for supply tobacco that is not labelled with the required warnings.

It is also a criminal offence to supply or have in possession for supply a tobacco product that breaches the requirements of the standardised packaging regulations. These regulations require the removal of all promotional features. The brand name and variant name, number of cigarettes, weight of the hand rolling tobacco, producer details, barcode and calibration mark are permitted but must be in the required format and the UK duty paid mark must be displayed. The packaging must be a specific shape and in a certain colour (a specific shade of green).

You must ensure that, in future, you do not supply tobacco which does not comply with the requirements of the above legislation. It is illegal to supply or have in your possession for supply foreign labelled tobacco. There may also be implications under legislation enforced by HMRC if you are supplying non-duty paid items.

Legitimately manufactured cigarettes are required by law to have Reduced Ignition Propensity (RIP) paper which means that the cigarettes will self-extinguish if left unattended. Counterfeit and non-duty paid tobacco products do not usually have this RIP paper and are considered to be unsafe. The maximum penalty for non-compliance with this legislation is a fine of up to £20,000 and/or 12 months imprisonment. You should also be aware that a breach of the legislation covering the packaging and labelling of tobacco as detailed above could result in a maximum penalty of 2 years imprisonment and/or a fine. A breach of the Trade Marks Act 1994 could result in a maximum penalty of 10 years imprisonment and an unlimited fine.

Information on general business support offered by this Service can be found at <http://www.northamptonshire.gov.uk/en/councilservices/community/tradingtrading-standards-business-advice/pages/default.aspx>. We can also provide tailored business advice and whilst this generally attracts a fee some businesses may be eligible for some free advice. If this is something that may be of interest to you please contact our Business support section on 0300 128 1000 or via business@northamptonshire.gov.uk.

Alternatively, guidance on all relevant legislation is available from the TSI business companion website <https://www.businesscompanion.info> which provides useful business information

This Service and Her Majesty's Revenue & Customs (HMRC) regularly monitors the sales of illegal tobacco products and takes the appropriate action if breaches of criminal legislation are identified. Your business will be monitored in the future to ensure compliance with all relevant legislation.

Yours sincerely

N.L.

N Lenton
Trading Standards Officer

Received by: ANNA STACHURA

Signed: *[Signature]*

Position: MANAGER

It was observed that some tobacco products were not compliant with the 2016 Regs in that they are not in standardised packaging. You removed these from sale in our presence. It is a criminal offence to fail to comply with these Regs.



CLG/4

Northamptonshire County Council

Please ask for: Carol Gamble
Tel: 01604 362466
Our ref: Illegal tobacco
Your ref:
Date: 23/08/2017

Dear Anna Siachura

**SALE OF ILLEGAL TOBACCO
NOTICE OF MONITORING AND SURVEILLANCE OF TOBACCO RETAILING ACTIVITY**

This Service has previously been in contact with you regarding the supply or alleged supply of illegal tobacco from your premises. Advice has been provided about compliance with the legislation relating to tobacco (please see attached for the most recent notice)

To continue to check compliance with the relevant legislation, we are now notifying you that your premises will be monitored and this will include surveillance (watching) of the tobacco retail activities taking place, any persons associated with conducting such tobacco retail activities and any associated vehicles or property linked with the tobacco retail activities. This monitoring and surveillance activity will be ongoing whilst this Service continues to have reason to suspect that the business above is involved in the supply of retail tobacco.

If you have any queries regarding this matter, please do not hesitate to contact me

Yours sincerely

Carol L. Gamble
Community Safety Manager

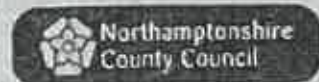
Signed by:

Print name: ANNA SIACHURA

Position: MANAGER

Trading Standards
Wootton Bassett Park
Northampton
NN4 0GB

w. www.northamptonshire.gov.uk
t. 01604 362466
f. 01604 362425





CLG/14

Northamptonshire County Council

Please ask for Carol Garrille
Tel 01604 362466
Our ref: illegal tobacco
Your ref: 23/08/2017

Dear *Ratsuni Hawest*

**SALE OF ILLEGAL TOBACCO
NOTICE OF MONITORING AND SURVEILLANCE OF TOBACCO RETAILING ACTIVITY**

This Service has previously been in contact with you regarding the supply or alleged supply of illegal tobacco from your premises. Advice has been provided about compliance with the legislation relating to tobacco (please see attached for the most recent notice).

To continue to check compliance with the relevant legislation, we are now notifying you that your premises will be monitored and this will include surveillance (watching) of the tobacco retail activities taking place, any persons associated with conducting such tobacco retail activities and any associated vehicles or property linked with the tobacco retail activities. This monitoring and surveillance activity will be ongoing whilst this Service continues to have reason to suspect that the business above is involved in the supply of retail tobacco.

If you have any queries regarding this matter, please do not hesitate to contact me

Yours sincerely

Carol L. Garrille
Community Safety Manager

Signed by:

Print name: *Ratsuni Hawest*

Position: ... *Captain*

Trading Standards
Wootton Bassett Park
Northampton
NN1 6GB

www.northamptonshire.gov.uk
01604 362466
01604 362425



INF No



Trading Standards Service
Wootton Hall Park, Northampton NN4 0GB
Tel: (01604) 707904
Fax: (01604) 707901
email: TRADESTD@northamptonshire.gov.uk
Web: www.northamptonshire.gov.uk

To: WORLD FOOD GROCERIES LTD
HA FRESHFOOD SUPERMARKET
35-41 MANTON STREET
KETTERING
NN16 8RA

Head Office Address
ALL ACCOUNTANCY SERVICES, SOUTH CITY
263-265 SOUTH ROAD, UNITS 3-5
HAVERSHAM, BIRMINGHAM
B21 9RY

The matters brought to your attention may constitute a contravention of the following legislation. (C/E No: _____)

TRADE MARKS ACT 1994
TOBACCO AND RELATED PRODUCTS REGULATIONS 2006
Telling the receipt of a complaint your business premises
were today inspected to ensure compliance with the above
legislation. Upon arrival I observed the sale of two packets
of Richmond cigarettes. During the inspection I found, and
seized, a quantity of tobacco products - as detailed on the
attached schedule. The majority of these products are
believed to bear unauthorised trade marks, i.e. they are
counterfeit. You are reminded that it is a criminal
offence to supply counterfeit goods and also to supply
tobacco products which do not comply with the labelling
requirements of the above Regulation. You will be
contacted in the future regarding this matter.

Date: 08/11/2017 Signed: NLS
Trading Standards Officer/Authorised Officer

Enquiries should be made to NICK LESTON at above address.

Receipt of this notice is acknowledged by (signed) [Signature]
Name: KAROLINA DUYMINJKA Position: CASHIER

APP HO Copy HA Copy SM Repeat Visit Completed by Date Y/N

NORTHAMPTONSHIRE COUNTY COUNCIL
TRADING STANDARDS SERVICE

DATE: 08/11/2017

DEFENDANT: FRESHPAL LIMITED

Entry Number	Description of Property	Exhibit Number	Seal Number	Where found	Found By	Time Logged	Location Stored
1	310 X Queen Menthol cigarettes 6 PACKETS X MINK SUPRELSIMS CIGARETTES 2 PACKETS X NOVEL BLUE CIGARETTES 8 X BAYS OF BLUE CIGARETTES	NJL/1	B04429	REAR WAREHOUSE	NJL	12.21pm	
2	132 X PACKETS MINK SUPRELSIMS CIGARETTES 34 X 50g GOLDEN VIRGINIA 2x MINK CAPTION 39 X 50g ON BRIGHT YELLOW 1x PEST 1 X 50g FLOWER SEED LEAF 1x WSM FORMER 1 X 50g LIMITED EDITION 1x ORIGINALS EDITION	NJL/2	B4428	REAR WAREHOUSE	NJL	12.17pm	
3	60 X RICHMOND CIGARETTES 128 X L2M LINK FORWARD CIGARETTES 70 X L2M LINK GREEN CIGARETTES 20 X LD CUBS EMERALD CIGARETTES 10 X MARLBORO RED CIGARETTES	NJL/3	SEALED BOX WITH TAPE	REAR WAREHOUSE	NJL	12.26pm	
4	440 X PACKED OF RICHMOND CIGARETTES	NJL/4	SEALED BOX WITH TAPE	REAR WAREHOUSE	NJL	12.32pm	

Seizing Officer: Nick Weston

NORTHAMPTONSHIRE COUNTY COUNCIL
TRADING STANDARDS SERVICE

DATE: 08/11/2017

DEFENDANT: FRESH POL

Entry Number	Description of Property	Exhibit Number	Seal Number	Where found	Found By	Time Logged	Location Stored
5	500 x PACKETS OF RICHMOND CIGARETTES	NSL/5	SEALED BOX WITH TAPE	REAR WAREHOUSE	NSL	12.37pm	
6	500 x PACKETS OF RICHMOND CIGARETTES	NSL/6	SEALED BOX WITH TAPE	REAR WAREHOUSE	NSL	12.41pm	
7	500 x PACKETS OF RICHMOND CIGARETTES	NSL/7	SEALED BOX WITH TAPE	REAR WAREHOUSE	NSL	12.45pm	
8	500 x PACKETS OF RICHMOND CIGARETTES	NSL/8	SEALED BOX WITH TAPE	REAR WAREHOUSE	NSL	12.47pm	

Seizing Officer: NICK LENTON

NORTHAMPTONSHIRE COUNTY COUNCIL
TRADING STANDARDS SERVICE

DATE: 08/11/2017

DEFENDANT: FRESHPOL

Entry Number	Description of Property	Exhibit Number	Seal Number	Where found	Found By	Time Logged	Location Stored
9	Tobacco Packaging	N5L/9	806120	REAL WAREHOUSE	N5L	1.17pm NE	
10	Tobacco Packaging	N5L/10	809427	REAL WAREHOUSE	N5L	1.29pm	
←	←	LAST ENTRY					→

Seizing Officer: _____

CLG/16

INF No

~~01604/0001~~



Trading Standards Service
Wootton Hall Park, Northampton NN4 0GB
Tel: (01604) 707904
Fax: (01604) 707901
email: TRADESTD@northamptonshire.gov.uk
Web: www.northamptonshire.gov.uk

To:	Head Office Address
<u>WORLD FOOD GROCERIES LTD</u>	<u>ALL ACCOUNTANCY SERVICES LTD,</u>
<u>35-41 MONTAGU ST</u>	<u>5th FLY, 213-217 JOHN ROAD,</u>
<u>KETTERING</u>	<u>UNIT 3-5, HANWORTH,</u>
<u>NN16 8RA</u>	<u>BIRMINGHAM, B21 9RY</u>

The matters brought to your attention may constitute a contravention of the following legislation. (C/E No: _____)

Trade Marks Act 1994
Tobacco and Related Products Regulations 2016

This service has today visited the above premises and removed a number of exhibits, please see the attached seizure log. You are notified it is alleged that criminal offences have been committed contrary to the above legislation. You will be contacted in the future regarding this matter.

Date: 06/02/2018 Signed: [Signature]
Trading Standards Officer/Authorised Officer

Enquiries should be made to Nick Lorton at above address.

Receipt of this notice is acknowledged by (signed) [Signature]
Name: KAROLINA DYMINSKA Position: CASHIER

APP	<input type="checkbox"/>	HO	<input type="checkbox"/>	HA	<input type="checkbox"/>	SM	<input type="checkbox"/>	Completed	<input type="checkbox"/>
	Copy		Copy		Repeat Visit	Y/N	by Date		



TRADING STANDARDS

Seizure list/Officers present

Name: *Kieran Pol*

Address: *35-41 Montagu Street*

batteries

AND HIGHS

4416 82A

Date: *6 / 2 / 2018*

Start time: *10 : 10*

Finish time: *13 : 09*

Signature to confirm Identity/authority shown

Officer in charge:

Nick Lenton

Nick Lenton

Other Trading Standards personnel:

- 1) Gary Wright
- 2) Jennifer Mason
- 3) Paul Webster
- 4) Steve Annis
- 5)
- 6)

- 1) *Gary Wright*
- 2) *Jennifer Mason*
- 3) *Paul Webster*
- 4) *Steve Annis*
- 5)
- 6)

Other persons present:
(eg. Police, Trade Mark Reps)

- 1) DC 147 HYSZ
- 2) PC 1519 ELMSON
- 3) PC 642 BENNETT
- 4) PC 0804 WAT - JONES

CI 523 LUSSEU

Witness officer Dave BELMAY 0113

Bill Field - KBL

Eleni Michalidou - KBL

Will Gales - KBL

Steve Phillips + Scamp.

Ben Thomas, Screenchannel TV.

Persons on property:

Karina Dymnikova

NORTHAMPTONSHIRE COUNTY COUNCIL
TRADING STANDARDS SERVICE

DEFENDANT: Fresh Air

DATE: 6 / 2 / 2018

Entry Number	Description of Property	Exhibit Number	Seal Number	Where found	Found By	Time Logged	Location Stored
1	40 packets Marlboro	CRJW/P/1	B06259	Room by roller in shop	CRJW	11:52	B14
2	600 packets LM 40 packets Minsk 20 packets Minsk Superslins 100 packets NZ Safes 40 " Balthazar 60 " Balthazar	NL/P/1	B06262	Warehouse	NL	11:56	B14
3	Various Cigarettes	NL/P/2	B06265	Warehouse	NL	12:00	B13
4	Various Paper work	NL/P/3	B06264	Garage room above basement.	NL	12:14	B14

Seizing Officer: NICK LENTON.

NORTHAMPTONSHIRE COUNTY COUNCIL
TRADING STANDARDS SERVICE

DEFENDANT: Yash Patel

DATE: 6/2/2018

Entry Number	Description of Property	Exhibit Number	Seal Number	Where found	Found By	Time Logged	Location Stored
5	Various paperwork	NL/AP/4	B06263	Next to office Space above shop	NL	12.22	B14
6	Box of rubbish and packets	NL/AP/5	B06270	Connected room above Fuel Pol.	NL	12.23	A9
7	Various covers + rubbish	NL/AP/6	B06266	Stairwell behind magnetic door.	NL	12.36	B13
8	Paperwork	GMW/AP/2	B06502	far corner office on table	GMW	12.37	B14

Seizing Officer: Nick Cotton

NORTHAMPTONSHIRE COUNTY COUNCIL
TRADING STANDARDS SERVICE

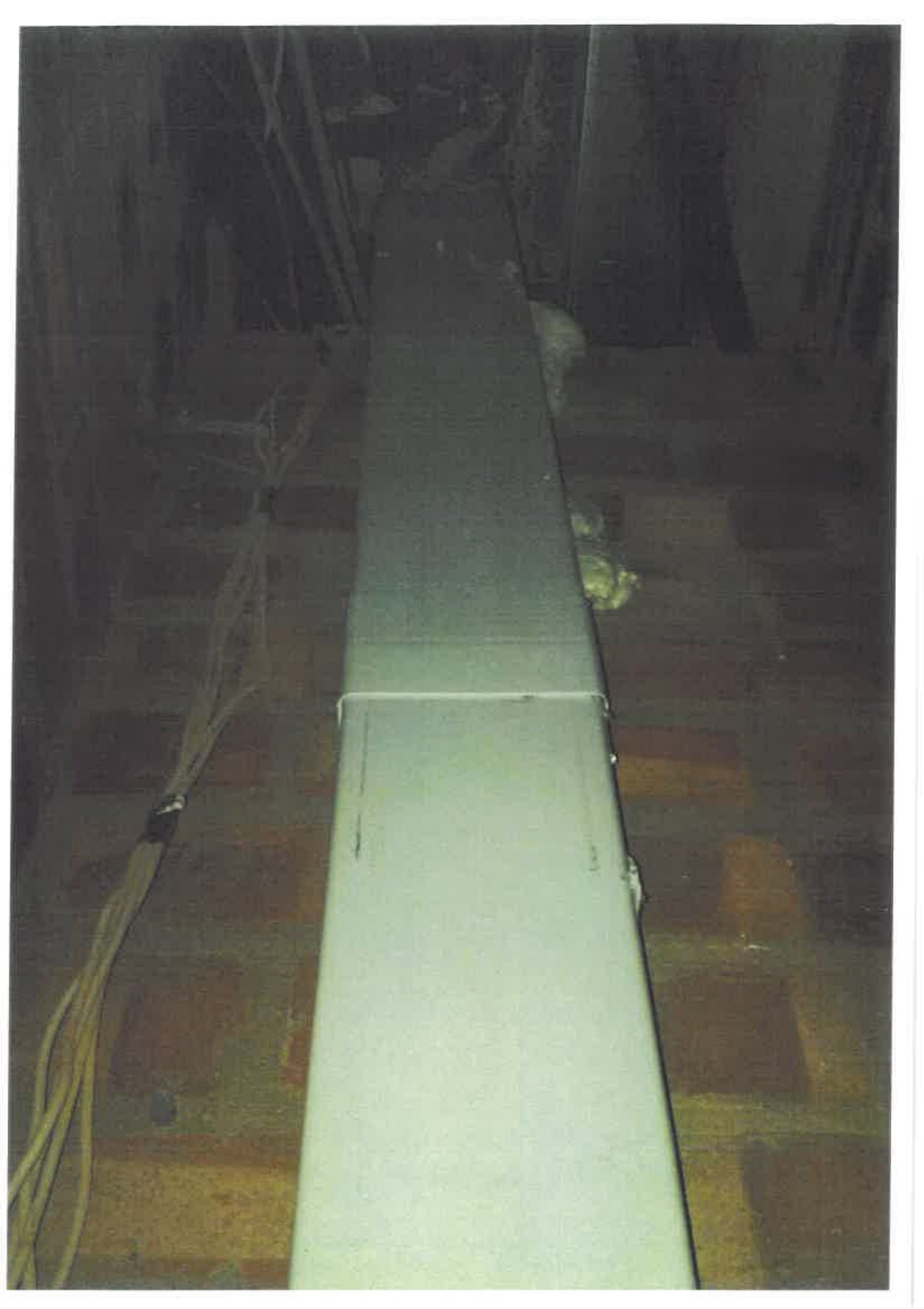
DEFENDANT: Fish Pol

DATE: 6/2/2018

Entry Number	Description of Property	Exhibit Number	Seal Number	Where found	Found By	Time Logged	Location Stored
9	Various paperwork end of log.	NL/19/17	801708.	Underneath hill counter	SADm NL	12:53	A9

Seizing Officer: Nickie Coxon

















EDMETHA
JASNE

WODE • BLÖD • CHMIEL

Karl Schmidl

FUBK

FUBK

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With Care

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JAGNIE

PERLA

7+1
DLANAS

PERLA











