



# Licensing Sub-Committee

**A meeting of the Licensing Sub-Committee will be held at the Virtual Meeting via Zoom on Tuesday 25 January 2022 at 10.00 am**

## Agenda

1.	<p><b>Appointment of Chairman for the meeting of the Sub-Committee</b></p>
2.	<p><b>Declarations of Interest</b></p> <p>Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.</p> <p><b>Note:</b> Any Member with a disclosable pecuniary interest will not be able to participate in the hearing, and should therefore notify Democratic Services in advance so that arrangements may be made for an alternate Member to attend.</p>
3.	<p><b>Review of Premises Licence - International Superstore, 199B Kettering Road, Northampton NN1 4BP (Pages 5 - 26)</b></p> <p>Copy herewith</p>
4.	<p><b>Exclusion of Press and Public</b></p> <p>The following report(s) contain exempt information as defined in the following paragraph(s) of Part 1, Schedule 12A of Local Government Act 1972.</p> <p>Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p> <p>Members are reminded that whilst the following item(s) have been marked as exempt, it is for the meeting to decide whether or not to consider each of them in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.</p> <p>Should Members decide not to make a decision in public, they are recommended to resolve as follows:</p>

<p>“That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item(s) of business on the grounds that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part I, Paragraph(s) 3 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”</p>
--

Catherine Whitehead  
Proper Officer  
17 January 2022

### **Licensing Sub-Committee Members:**

Councillor Sally Beardsworth  
Councillor Keith Holland-Delamere  
Councillor Mike Warren

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence and the appointment of substitute Members should be notified to [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk) prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Evacuation Procedure**

If a continuous fire alarm sounds you must evacuate the building via the nearest available fire exit. Members and visitors should proceed to the assembly area as directed by Democratic Services staff and await further instructions.

### **Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

**Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

**Queries Regarding this Agenda**

If you have any queries about this agenda please contact Richard Woods / Maisie McInnes, Democratic Services via the following:

Tel: 07391411365

Email: [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk)

Or by writing to:

West Northamptonshire Council  
One Angel Square  
Angel Street  
Northampton  
NN1 1ED

This page is intentionally left blank

**Application to Review Premises Licence – International Superstore,  
199B Kettering Road, Northampton NN1 4BP**

**Alcohol and Gambling Licensing Sub-Committee**

**Date 10.00am 25th January 2022**

**Remote Hearing via ZOOM**

**1.0 Purpose of Report**

- 1.1 To consider an application for a review of a premises licence in accordance with section 51 of the Licensing Act 2003 (“the Act”) made by Northamptonshire Police (“the Applicant”) in respect of International Superstore at 199B Kettering Road, Northampton, NN1 4BP.

**2.0 Summary**

- 2.1 The Application, which can be found at **Appendix A**, was received by West Northamptonshire Council on 7th December 2021.

**3.0 Application Details**

- 3.1 The review is made on the ground of The Prevention of Crime & Disorder. The licence (see **Appendix B**) for this premises relates to the sale of alcohol off premises only between the hours of:

Monday – Sunday 07.00 – 00.00

The Premises Current Licence Holder is Miss Alicja Bialobrzews. In February 2021, this premises licence was suspended due to non-payment of annual licence fees. On visit to the premises by a licensing officer on 7th December 2021 to place the blue site notice up, no alcohol was displayed for sale and there was none in the storeroom at the back of the shop. Miss Bialobrzews was not present, and the licensing officer was informed that she was no longer involved in the ownership of the shop.

**4.0 Consultations/Representations**

- 4.1 When an application for a review of a premises licence or club premises certificate is received, the applicant must serve the licence holder and all the responsible authorities with the application. It is then the responsibility of the local authority to place the blue public notice (“the Notice”) at or near the premises.

This gives responsible authorities and any member of the public the opportunity to make written relevant representations in relation to the

application to the local authority within 28 calendar days of receiving the notice or the date on which the notice was first displayed at or near the premises. In this case the notice was displayed on 7th December 2021 and a photograph of it in situ is shown at **Appendix C**. The last date for making relevant representations in relation to this Application was 3rd January 2022.

No other representations have been received during that consultation period.

## **5.0 Attendance**

5.1 The Council is also required to send a notice of hearing to all interested parties and responsible authorities that have submitted a relevant representation and request confirmation of their intention to attend that hearing. A notice of hearing was sent to the following persons on 4th January 2022.:

- Miss Alicja Bialobrzews (Licence Holder)
- PC Sandy Tracey (on behalf of the Chief Officer of Northamptonshire Police)

## **6.0 Options**

6.1 Upon application of a review at the end of the consultation period the licensing authority must hold a hearing to consider it and any other representations made. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and,
- the protection of children from harm.

6.2. The options available to the Sub-Committee are to;

- to modify the conditions of the licence;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence;

## **7.0 Financial & Resource Implications**

7.1. There are no financial implications arising directly from this report.

Comments checked by Antony Russell, Finance Business Partner

## **8.0 Legal Implications**

**8.1** Any decision made with regard to an application for the review of a premises license made in accordance with section 51 of the Licensing Act 2003 (“the Act”), must comply with the requirements of section 52. It must also take into account the revised statutory guidance issued under section 182 of the Act (April 2018 version) and, as of the date of the Sub-Committee hearing on 5<sup>th</sup> January 2022, the Northampton Borough Council Licensing Act 2003 Statement of Licensing Policy (2020).

**8.2** In accordance with section 51 of the Act, where relevant representations are made by a responsible authority or other person, and which are about the likely effect of the grant of the application on the promotion of the four licensing objectives, a hearing must be held to consider them, unless the Members of the Sub-Committee, the Applicant and each person or responsible authority that has submitted a relevant representation agree that a hearing is unnecessary or all representation are withdrawn.

**8.3** Having regard to the relevant representations, the Sub-Committee must take such reasonable and proportionate steps as it considers appropriate, if any, for the promotion of the four licensing objectives. These steps are restricted to either;

- modify the conditions of the licence;
- to exclude a licensable activity from the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding 3 months;
- to revoke the licence
- or take no action

**8.4** A decision must be made by the Sub-Committee within the period of five working days beginning the day on which the hearing was held. Once the decision has been made, a written notice containing the full reasons for that decision must be supplied forthwith to the Applicant and any person or responsible authority that submitted a relevant representation

**8.5** In accordance with section 181 and Schedule 5 of the Act, only the Applicant and any person or responsible authority that submitted a relevant representation may appeal to a Magistrates’ Court if they are aggrieved at the decision of the Sub-Committee. Any such appeal must be submitted by way of

complaint to the Court within 21 days commencing with the day on which the person in question **received** a copy of the written notice of the Sub-Committee's decision.

Comments checked by James Chadwick, Senior Licensing and Litigation Solicitor.

### 9..0. Committee

Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

<b>Additional Documents</b>	<b>Title</b>
<b>A.</b>	Review Application from Northants Police
<b>B.</b>	Current Premises Licence
<b>C.</b>	Blue Notice
<b>D.</b>	Police Statement and Evidential Photographs
<b>Report Author</b>	Martin O'Connell Senior Licensing Enforcement Officer



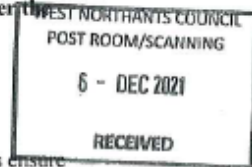
## APPENDIX A – REVIEW APPLICATION

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

**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 Police Constable 0010 TRACEY**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> International Superstore, 199B, Kettering Road,	
<b>Post town</b> Northampton	<b>Post code (if known)</b> NN1 4BP
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Miss Alicja BIALOBRZEWSKA	
<b>Number of premises licence or club premises certificate (if known)</b> PL1076	

**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)
- 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 ✓ yes

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 <b>PC 0010 S TRACEY</b> <b>Northamptonshire Police</b> <b>Wellingborough Police Station</b> <b>Midland Road</b> <b>Wellingborough</b> <b>Northamptonshire</b> <b>NN8 1HF</b>
Telephone number (if any) <b>101 EXT 346307</b>
E-mail address (optional) <b>Sandy.tracey@northants.police.uk</b>

**This application to review relates to the following licensing objective(s)**

- |   |                                 |
|---|---------------------------------|
| 1) the prevention of crime and disorder | Please tick one or more boxes ✓ |
| 2) public safety                        | <b>X</b>                        |
| 3) the prevention of public nuisance    |                                 |
| 4) the protection of children from harm |                                 |

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

**I act on behalf of the Chief Officer of Police for Northampton shire, Mr Adderley. He has delegated responsibility and authorised me to act on his behalf regarding representations made by Northamptonshire Police to Licensing Authorities across the county of Northamptonshire.**

**Northamptonshire Police call for the Review of the Premises Licence for International Superstore under the Licensing Objective of the Prevention of Crime and Disorder.**

**This Review relates to the offences of:**

- 1. Sale of Non-Duty paid Tobacco. (Tobacco Products Duty Act 1979)**
- 2. Section 144 of the Licensing Act 2003.**

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

During 2020 Northamptonshire Police received intelligence reports from members of the public that staff at International Superstore, 199B, Kettering Road, Northampton were selling non duty paid cigarettes. Licensing Officers conducted a Test Purchase for Tobacco at the premises when they were open and trading on Thursday 9<sup>th</sup> July, 2020 at 11:10am.

A sale of non-UK duty paid cigarettes was made to the officer. A second test purchase was conducted by the same officer on Thursday 19<sup>th</sup> November, 2020. On her arrival the premises were open and trading. When the plain clothed police officer asked for some cheap cigarettes the male shop keeper laughed at her and said, "Not to police." No sale was made so the officer left the store. (Please refer to officers statement for more details)

On Wednesday 17<sup>th</sup> November, 2021 Northamptonshire Police were involved in a joint agency operation, an HMRC led, multi-agency civil tobacco disruption led enforcement on a number of stores situated on the Kettering Road Northampton.

The operation involved the following Police Teams and partner agencies;

Neighbourhood Policing Team, Force Intelligence Bureau, Foreign National Offenders Intelligence team, police licensing, support by Home office immigration from Bedford, local authority trading standards and licensing and East Midlands Serious Organised Crime Unit and disruption team officers. There were in the region of 40-50 staff in total.

Enforcement took place at International Superstore, 199B, Kettering Road, Northampton around 1415 hours by HMRC and Police led teams and additional agencies invited to attend the premises once secured.

22,180 cigarettes and 1.55 kilos of tobacco were located in a storeroom at the rear of International Superstore. The storeroom did not have a door or curtain dividing it from the shop, officers could walk into the storeroom directly from the shop. There was also a significant amount of alcohol stored within the storeroom despite the premises licence having been suspended for non-payment of the annual licensing fees. The tobacco was concealed in black bin liners in the storeroom, there was also some stored on shelves. The staff member on the premises was checked by police and immigration.

Northamptonshire Police believe that the premises licence holder and Designated Premises Supervisor, Miss BIALOBRZEWSKA ( who was not present) has shown a blatant disregard towards UK Licensing and Tobacco products duty act laws in allowing this practice to take place. We now have no confidence in her continuing to run her business in accordance with and in support of The Licensing Objectives and UK laws and procedures.

When making this application Northamptonshire Police have consulted the statutory section 182 Guidance that accompanies the Licensing Act 2003, specifically paragraphs 11.24 to 11.28 which relates to Reviews in connection with crime.

Northamptonshire Police now ask the Licensing Sub-Committee to give serious consideration to revoking the Premises Licence. This would be in line with the Statutory section 182 guidance that accompanies the Licensing Act 2003. At 11:27 the Secretary of States guidance details certain criminal activity that may arise in connection with licensed premises, the sale or storage of smuggled tobacco and alcohol is detailed. At 11:28 of the guidance in summary states that it is expected that revocation of the licence

even in the first instance should be seriously considered. A lesser sanction would be insufficient to act as a deterrent to deter other businesses owners who are involved in this criminal activity, the below case would support licensing authorities taking punitive action.

**R (Bassetlaw District Council) v Worksop Magistrates Court** outlines the case that the action(s) taken by the Licensing Committee can be punitive. Revocation of this particular Premises Licence in the interests of the wider community for reasons detailed in the above case, who are involved in or considering engaging in this illegal activity. Revocation would also to show support towards the many other similar small businesses who engage in wholly legal practices and are suffering financially as a result of this illegal practice in their neighbouring stores.

This is Northamptonshire Police's initial submission to the Licensing Authority further details regarding the visit will be submitted in accordance with the Licensing Act 2003 Hearing Regulations.

Have you made an application for review relating to the premises before

Please tick ✓ yes

If yes please state the date of that application

Day    Month    Year

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

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓

- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

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

Signature

.....

Date

.....

Capacity **Northamptonshire Police Licensing Constable**

.....

**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.



## Appendix B – Current Premises Licence PL1076



West Northamptonshire Council

[Home](#) [Register](#) [Log in](#)

You are here » [Home](#) » [Licensing Act Premises Search](#) » [Detail](#) » **Application**

**Licensing Act 2003 - Premises Licence Register as at 12:33 on 4 January 2022**

### International Superstore

199B Kettering Road, Northampton, NN1 4BP

**Premises Licence PL1076 from from 06/02/2017 to 10/01/2021**

### Licence holder(s)

<b>Full Name:</b>	Miss Alicja Bialobrzewska
-------------------	---------------------------

### Designated Premises Supervisor

<b>Full Name:</b>	Miss Alicja Bialobrzewska
-------------------	---------------------------

### Permitted Activities

- the sale by retail of alcohol

### Premises Open Hours Granted

	<b>Time From</b>	<b>Time To</b>
Monday-Sunday	07:00	00:00

### Activities - Times Granted

	<b>Time From</b>	<b>Time To</b>
<b>M. The sale by retail of alcohol for consumption OFF the premises only</b>		
Monday-Sunday	07:00	00:00

### Additional Conditions

#### ANNEX 1 - MANDATORY CONDITIONS

##### Mandatory conditions where licence authorises supply of alcohol

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

#### ADDITIONAL MANDATORY CONDITIONS

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by the The Licensing Act 2003 (Mandatory Licensing Conditions)(Amendment) Order 2014.

##### **The following conditions shall come into force on 1<sup>st</sup> October 2014**

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014.

**The following conditions shall come into force on 28th May 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

**Where -**

- (i) P is the permitted price,
  - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
  4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Operating Schedule Conditions**

A CCTV system is in operation at the premises which conforms to the provisions of the relevant Data Protection Act and meets the requirements of the licensing and police authorities. The system is in operation at all times and recordings are kept for a minimum of 28 days. A responsible member of staff is trained in how to use the system and retrieval of recordings for an officer of a responsible authority.

Spirits are displayed behind the sales point counter and will not be available by self service.

Drinks cannot be taken from the premises in an open container.

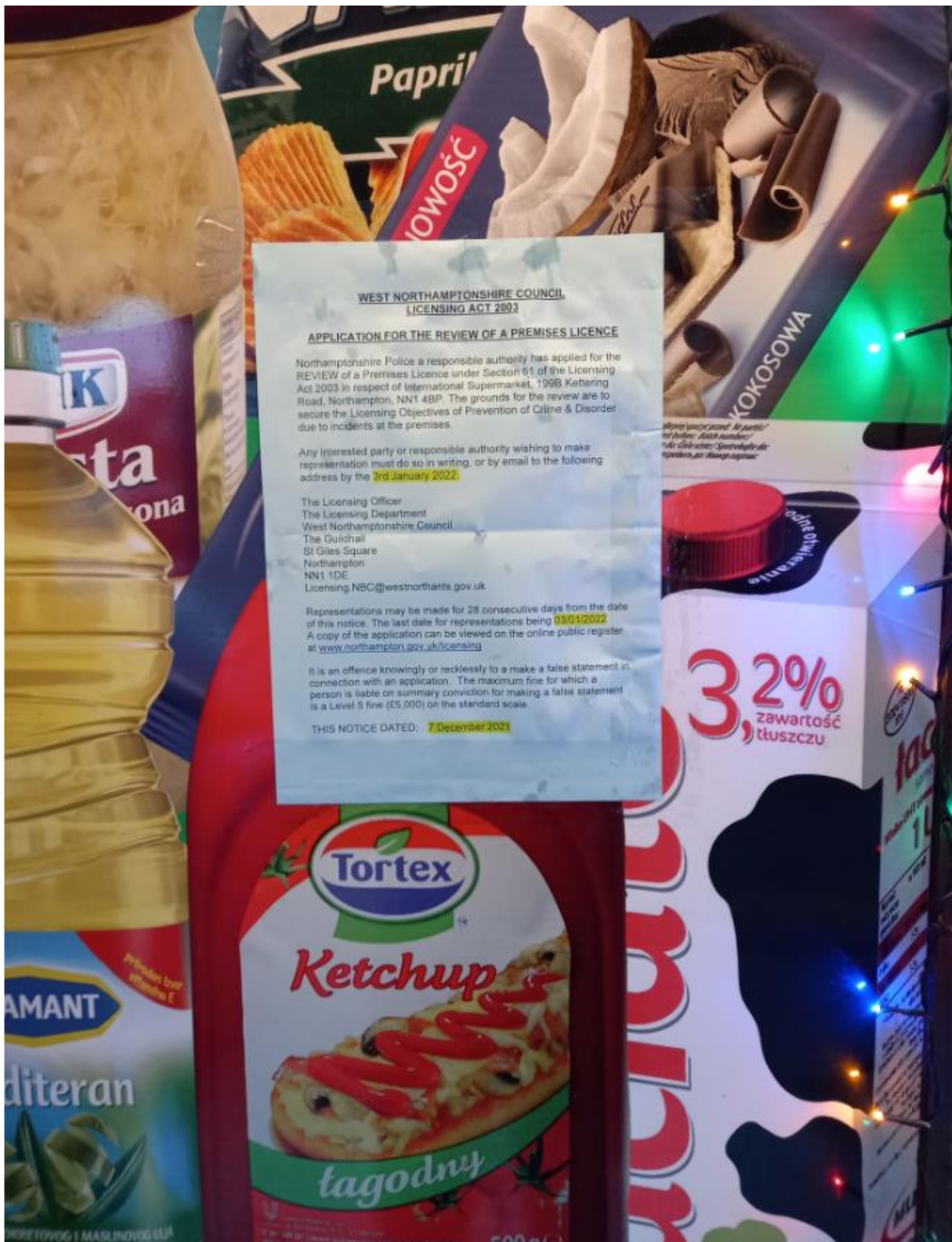
A notice will be placed in a prominent position requesting customers not to congregate in the area immediately in front of the premises.

The area immediately in front of the premises will be kept clean and tidy when the premises are open to the public.

The premises has adopted the Challenge 25 age verification policy and associated signage is prominently displayed.

A refusals log is maintained at the premises where details of persons who have been refused the sale of alcohol shall be recorded. The refusals log will be produced for inspection by the police and authorised officers of the licensing authority upon reasonable request.

## Appendix C – Blue Notice



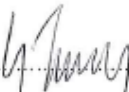


## APPENDIX D – Police Statement and Evidential Photographs

Complete If Req'd	GSC Class:	Reason:
	Handling Conditions:	

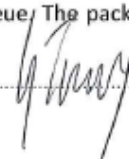
MG11

Occurrence Ref:

<b>WITNESS STATEMENT</b>	
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9	
	URN <input type="text"/>
Statement of: Sandy TRACEY	
Age if under 18: 018 <small>(If over 18 insert 'over 18')</small>	Occupation: Police Constable 0010
<p>This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.</p>	
Signature:..... 	Date: 2 <sup>nd</sup> December, 2021

This statement relates to an incident I was involved in whereby I was sold cigarettes that had not had UK duty Tax paid.

On Thursday 9<sup>th</sup> July, 2020 I was on duty in plain clothes as part of my role as a Licensing officer for Northamptonshire Police in the company of PC 113 BRYAN. At around 11.00hrs I attended International Superstore, 199B, Kettering Road, Northampton; We had received information that the premises may be selling illegally sourced cigarettes that had not had UK duty tax paid. I was tasked to conduct a test purchase on the shop. I entered the shop just after 11.10hrs, there was a male shop keeper present and one other customer in the store. I waited in a queue as there was a male in front of me, when he got to the counter I heard him say something but I couldn't ascertain what. The shop keeper then spoke in a foreign language that sounded Arabic to his colleague who was inside the storage area behind the counter. The customer in front of me then handed the male member of staff a £5 note and waited by the side of the counter for me to step forward, which I did. I asked the male behind the counter whether he had any 'cheap cigarettes. He said, "What cigarettes do you want?" I said, "Anything." He said, "I can do 20 for £3.50." I said, "That's fine, thanks." He then spoke again in his language to his colleague. I paid him with a £10 note and he gave me £6.50 cash in change. I stepped to the side and waited and a few seconds later I was handed a packet of cigarettes that had been bought out from the rear of the shop. A packet was also handed to the male who was in front of me in the queue. The packet he handed me was a small packet of slim cigarettes, it had dark brown

Signature: .......... Signature witnessed by: .....

October 2018

Continuation of Statement of..... Page 2  
and white packaging with the initials NZ on the front and some writing that looked Russian and I couldn't understand. I thanked him, took the cigarettes and left the store. The cigarettes I bought do not have the UK Duty Paid stamp on them or anything that would inform me the duty had been paid. The writing on the packet is foreign.

I hereby exhibit the packet of cigarettes as SAT/1.

I would say I was in the store no longer than 5 minutes, there were 2 members of staff and one other customer present in the store at the time. I had a clear and unobstructed view of the shop keeper but I couldn't see whereabouts from the rear of the store the cigarettes were brought up from due to the rear of the store being obscured with shelving and boxes. When he sold me the cigarettes there was about 3 meters between us. I have never seen the male before but I would recognise him again. His colleague approached me and handed me the cigarettes that I bought which he had brought up from the rear of the store.

I would describe the male behind the counter as Light Skinned Arabic, aged in his mid-thirties, of medium build, he had short black hair and a beard. He was wearing a dark green coloured top. He wasn't wearing a name badge. He spoke with an accent that I thought sounded Arabic.

I conducted a second test purchase at this store on Thursday 19<sup>th</sup> November, 2020. On my arrival the premises were open and trading. The same staff member who had sold to me previously was behind the counter. When I asked for some cheap cigarettes the male at me and said, "Not to police." No sale was made so I left the store.

A handwritten signature in black ink, appearing to be 'G. M. M.', is written over the end of the text in the previous block.









