



RESTRICTED

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, (insert name of applicant) PC 4346 Katie Jagger

- 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

Part 1 – Premises or Club Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

Polski Sklep. 10 Broadway House, Foundry Street

Town/City: Dewsbury

Postcode: WF13 1QQ

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

Barez & Co Ltd, 330 – 332 Uxbridge Street, Burton Upon Trent, Staffordshire, DE14 3JS

Number of premises licence or club premises certificate (if known): PR(A) 1682

Part 2 – Applicant details

Please 'check' appropriate box(es)

I am:

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

Surname:

Forename(s):

I am 18 years old or over:

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

B – Details of other applicant

Surname:

Forename(s):

Address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

C – Details of responsible authority applicant

Other title, e.g. R. PC 4346

Surname:

Jagger

Forename(s):

Katie

Address:

West Yorkshire Police Licensing, Flint Steet

Town/City:

Huddersfield

Postcode:

HD1 6LG

Daytime contact telephone number:

E-mail address (optional):

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

(a) The prevention of crime and disorder



(b) Public Safety



(c) The prevention of public nuisance



(d) The protection of children from harm



State the ground(s) for review (please read Guidance note 1):

A partnership operation was organised involving West Yorkshire Police and West Yorkshire Trading Standards in the Dewsbury town centre area for illegal none duty paid or counterfeit tobacco products.

The shop known as Polski Sklep, 10 Broadway House, Foundry Street was found to have over 75,000 illegal cigarettes along with 272 x 50g pouches of tobacco. The approximate value of the illegal tobacco products would have a retail value of £43,667 for the cigarettes and £7,017 for the tobacco, giving a total retail price of £50,681. There was also a hidden compartment with approximately £10,000 in notes concealed in the staircase.

The storage and sale of illegal tobacco has impacted the below licensing objectives:

Prevention of crime and disorder.

Public Safety.

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

On Thursday 11th March 2021 a joint partnership operation was put in place between Trading Standards and West Yorkshire Police.

Trading standards had received intelligence that named shops in the Dewsbury area were selling illegal products. As a result of this information they had carried out test purchasing in the area. Polski Sklep failed the test purchase on the 8th March 2021 by selling a packet of 20 Richmond cigarettes to Trading Standards Officer, [REDACTED] for the value of £4.50. Further details of this sale are in the statement of [REDACTED] which is attached to this file.

In February 2021 West Yorkshire police had also been informed by a member of the public that illegal cigarettes were being sold from Polski Sklep.

Of the four shops visited on the 11th March 2021, only one was a licensed premises, that being Polski Sklep, 10 Broadway House, Foundry Street. This shop had by far the greatest amount of illegal tobacco products being stored, and available for sale.

The partnership agencies entered the shop and requested no customers enter the store while the search was carried out. A specialist tobacco dog was used to search the premises.

On entering the storage area the dog indicated to a rack of shelving, where a trap door was located in the lower left hand side of a false wall. This has been shown on the photograph listed as exhibit RW.1

Behind the false wall were a number of rooms, in the first room was a drain pipe style shoot that went from this room, exhibit KJJ.1 and KJJ.2 to a drawer behind the serving counter in the shop exhibit KJJ.3.

In a further room was also a large amount of illegal tobacco products, exhibit KJJ.4.

It is believed that this shoot system worked by a person upstairs listening remotely to the shop CCTV on their phone. When a customer asked for a certain packet of cigarette or tobacco the item was sent down the shoot, into a drawer under the till. Exhibit KJJ.3 shows a number of cigarette sleeves, these were sent down by the Trading Standards Officers, to see how the shoot worked.

No person was found in the rooms behind the false wall but from surveying the area it transpired that from these rooms there was access to the Central Café, 8 Broadway House, Foundry Street, Dewsbury. On this date the café was not open but it was a push bar exit door which Police and Trading Standards believe was used as an exit by person/s used to put the cigarettes in the shoot to the shop.

As well as illegal cigarettes, there was approximately £10,000 in cash found in a

secret compartment on the stairwell going up to the stock room. This has been seized under the money laundering act and further investigations are still being carried out.

When a final count of the illegal tobacco products was carried out it became apparent that some were none duty paid cigarettes brought in from the continent, however the vast amount were counterfeit.

It is illegal to sell none duty paid tobacco products in the United Kingdom. The packets do not carry the correct health warnings, all warnings are not written in English, the act of selling none duty paid evades the Treasury of much needed funds in this current economic climate.

The act of selling counterfeit cigarettes goes much further, not only removing finances from the U.K. Government, but is a major health risk to the people buying the tobacco. The substances used to bulk out the substandard tobacco does range greatly, none of which is fit for use by the tobacco industry. The packaging does not carry the relevant health warnings and the price make smoking more affordable and can encourage younger people to start smoking.

The final amount seized was as follows

Counterfeit and non-duty paid cigarettes 3,798 x 20 packets (total 75,960) of various brands of cigarettes including Richmond.

272 x 50 gram pouches of hand rolling tobacco.

The total amount of illegal stock found in the shop comes to approximately £50,000. Further details are in the statement of Trading Standards Officer, [REDACTED]

When the stock had been collated ready to transport to the Trading Standards Headquarters the shop looked more like the duty free lounge of an international airport terminal as opposed to a small convenience store in Dewsbury.

Exhibit photographs RW2 RW3 RW4 RW5 RW6 and RW7 show some of the total seized.

At the time of the visit the Designated Premises Supervisor [REDACTED] with a home address in Stoke on Trent was not present. At the time of preparing the review, we have not been able to contact him as Licensing have no contact telephone number. A letter has been sent to his home address requesting that he contact Kirklees Licensing as a matter of urgency.

The owner and the staff working in this shop have absolutely no regard for UK Law, and their customer safety by selling such products. West Yorkshire police feel that the only option the panel should consider is revocation.

Further legal action will be taking place to those involved. West Yorkshire

Trading Standards have an ongoing investigation with a view to prosecution. However the removal of the alcohol licence is a measure the panel can put in place to show that Kirklees Council will not support or tolerate such illegal activities that are definite risk to the health of residents in Kirklees. These illegal sales also hinder the sales of shop keepers who do not break the law and sell duty paid cigarettes.

Have you made an application for review relating to this premises before? NO

If 'YES', please state the date of that application:

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

N/A


Please 'check' appropriate box(es)

- 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: 24/3/2021
Capacity: Police Constable Licensing officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Surname: _____ Forename(s): _____
Address: _____
Town/City: _____ Postcode: _____

Telephone number (if any): _____

If you would prefer us to correspond with you using an e-mail address, please state 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.

KJJ.1



KJJ.1

KJJ-2



KJJ-2

K55.3



K55.3

K55.4



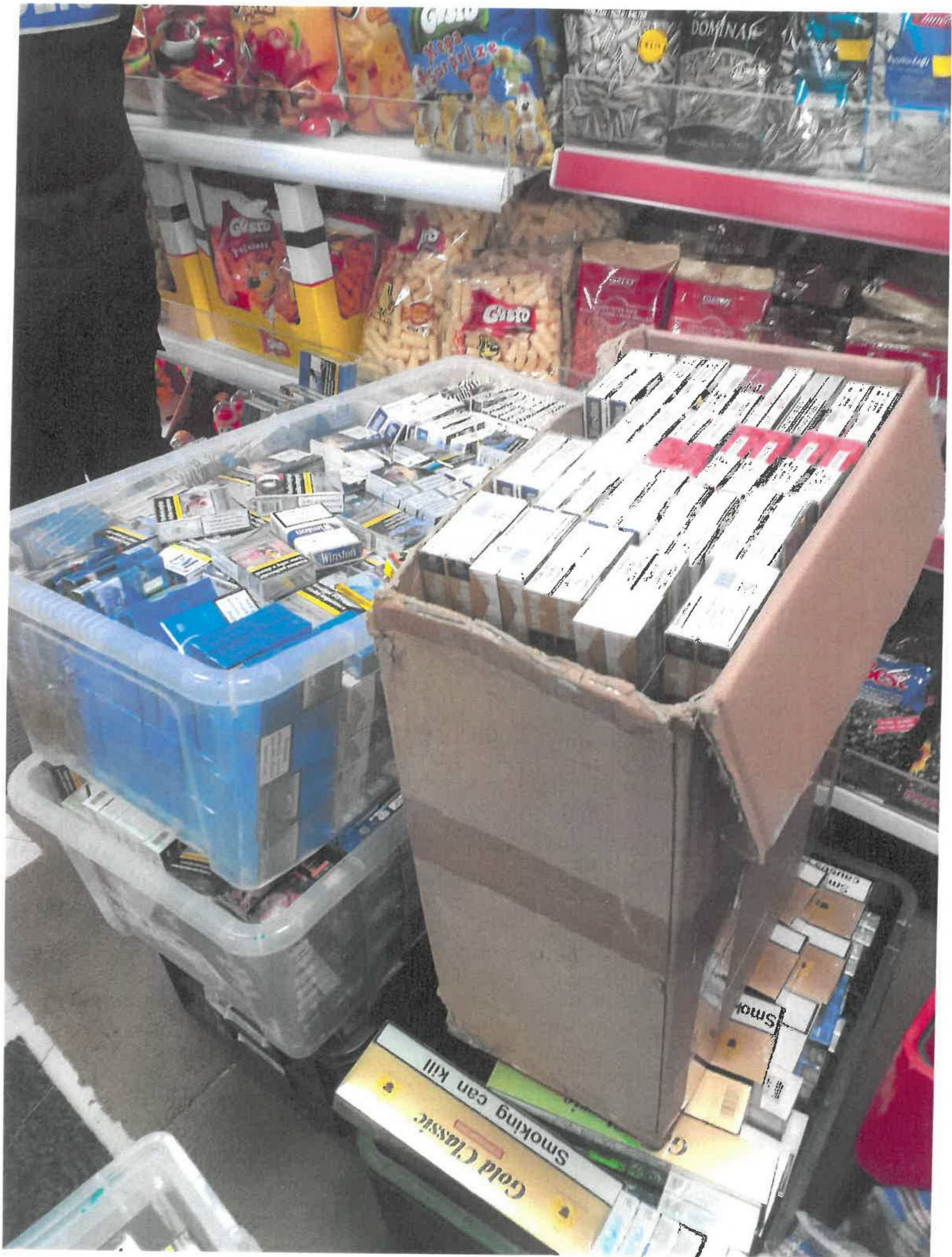
K55.4



Ex. RW 1



RW2



RW3



Smoking seriously harms you and others around you

Palenie niszczy płuca

Smoking seriously harms you and others around you

Smoking seriously harms you and others around you

Smoking seriously harms you and others around you

Smoking seriously harms you and others around you

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Dym tytoniowy obciąża płuca, które przekształcają go w rakotwórczą substancję

RWL4



RW5



RW6



RW7



Statement of:

Age of witness: (if over 18 enter 'over 18')

Occupation:

This statement (consisting of 3 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: **Signature:**

I am a Trading Standards Officer employed by West Yorkshire Joint Services. I am an authorised officer for the purposes of the Trade Marks Act 1994, Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Regulations 2015 and The Consumer Rights Act 2015.

On 8 March 2021, I was in plain clothes when I attended the premises of Polski Sklep, 10 Foundry Street, Dewsbury, WF131QQ to carry out a test purchase for illegal tobacco. I entered the store and waited to the right hand side of the counter whilst another customer was being served in front of me.

Working behind the counter was a male, medium build, approximately five foot six inches tall, black shaved hair at the sides wearing a black coat. He spoke English with a foreign accent. He was standing behind the counter but came round to the front of the counter and walked in front of me to a shelf to retrieve an item of food for the customer

NOTE : *If statements are typed double spacing should be used.
One side only of this paper should be used.*

(Signed) ..

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in front of me and I noticed his stomach was a little overweight and protruding out of his t-shirt underneath his coat that was open.

I asked for 20 Richmond cigarettes the male reached under the counter and handed me a blue packet of Richmond cigarettes and asked for £4.50. I paid £4.50 for the Richmond cigarettes using a £5.00 note. The male handed me two twenty pence coins and a ten pence coin taken from the till as change.

I took the product and left the shop. The cigarettes were placed in a signed evidence bag. The bag was sealed and stored in the secure storage at West Yorkshire Trading Standards.

The packet of cigarettes purchased did not conform to the Tobacco and Related Products Regulations 2016 in that they did not have the required health warnings/pictures and they were not compliant with Standardised Packaging of Tobacco Regulations 2015 in that they were not the specified colour and I suspect them to be counterfeit. The normal price for the cigarettes is around £10.00.

On the 11 March 2021 I returned to Polski Sklep at 10 Foundry Street, Dewsbury, WF131QQ with other Trading Standards officers to conduct an inspection. I recognised the same male being present in the shop. A search of the shop premises was conducted and an envelope containing approximately £10,000.00 cash in notes

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(Signed) ... [REDACTED]

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was found in a concealment in one of the steps leading up to the storage room above the shop.

A concealed entry door was discovered behind shelving in the store room above the shop. This provided access to a further room where a shoot was identified in the corner of the room hidden under a cover. The shoot led down to the shop and into a drawer behind the counter. Illegal tobacco was discovered down a further corridor in a room above the next door premises.

Illegal tobacco including 3,798 x 20 packets (total 75,960) of various brands of cigarettes including Richmond and 272 packets of 50g hand rolling tobacco were recovered. The tobacco products were not in the standardised format as required by The Standardised Packaging of Tobacco Products Regulations 2015 and were in violation of the Tobacco and Related Products Regulations 2016 as the prescribed health warnings were not present in English. From the discrepancies in the packaging of the cigarettes I believe these are counterfeit and also non duty paid items.

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One side only of this paper should be used.*

(Signed) ... 

Dated...24/03/2021..... Page 3 of 3

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