

POLSKI MINI MARKET

Premises Licence Review

Trading Standards (TS) are a 'Responsible Authority'

TS have duty to enforce provisions of Trade Marks Act (for counterfeit products), Consumer Protection Act (Tobacco Health Warnings) and assist HMRC (power to seize non-duty paid items)

Background

This review follows a recent operation, following intelligence received, where a large quantity of illicit tobacco (Evidence AW1) was recovered from secret compartments within the premises of Polksi Mini Market

Premises History of Trading Standards Visits

July 2013 (Evidence AW2)

19 packs (380 cigarettes) of Illicit and non-duty paid cigarettes (non English health warnings) seized by Trading Standards. Mr AWLA agrees to sign them over for destruction (Evidence AW1)

November 2013 (Evidence AW3 & AW4)

12 packs (240 cigarettes) of non-duty paid cigarettes and 21 Blunt Wraps (Flavoured tobacco wraps) with non English health warnings seized by Trading Standards. Mr AWLA signs them over for destruction (Evidence AW2) and signs an Assurance of Future Conduct agreeing not to supply tobacco products without English health warnings (Evidence AW3)

September 2014 (Evidence AW5)

15 x 50g pouches of counterfeit hand rolling tobacco
101 packs (2020 cigarettes) of illicit white cigarettes
717 packs (14340 cigarettes) of non-duty paid cigarettes
22 x 50g pouches of non-duty paid hand rolling tobacco
All seized by Trading Standards and subject to an ongoing criminal investigation

Licence Review

TS submission is that the regular supply of illicit tobacco from the premises undermines the following Licensing Objective(s):

Prevention of Crime and Disorder

It is a criminal offence to possess/supply counterfeit/non-duty tobacco. The offence carries a maximum sentence of 10 years imprisonment and unlimited fine. In addition the offences are Schedule 1 lifestyle offences under Proceeds of Crime Act.

Intelligence indicates that Polski is a known outlet of illicit tobacco and has been for a number of months/years. Previous TS visits have supported this and discovered the possession of small quantities of illicit tobacco. Despite this, the premises still continued to supply illicit tobacco.

The latest raid uncovered two hidden compartments containing illicit tobacco that have been in use for a number of months/years. The compartments have been dug into the floor of the premises and an elaborate lifting mechanism used to access the contents. Attempts were made to disguise the smell of tobacco from search dogs by using strong smelling substances, such as chilli flakes, coffee grains and bleach. It is clear that the owners knew that their activities were illegal – indeed Mr AWLA admitted this in interview. (Evidence AW6)

Public Safety

The illicit white cigarettes are not controlled in their manufacture and as a result the cigarettes do not meet safety standards. The standard requires that all cigarettes are self extinguishing when not being smoked. Well known illicit whites such as Jin Lings do not meet this standard and have been attributed to house fires in the region.

Definitions

Illegal tobacco can take many different forms and there can be regional variations in the names that it is given. These are the definitions that are generally understood by health and enforcement partners:

Cigarettes

'Illicit white' cigarettes have no legal market in the UK. UK duty has not been paid and the appropriate health warnings and images may not be present.

Counterfeit cigarettes are illegally manufactured and sold by a party other than the original trademark or copyright holder. This can also include the counterfeiting of illicit whites.

Non-Duty are genuine cigarettes produced legitimately for a local market. This includes UK and non-UK brands. They have the correct health warnings and images for the intended market (rarely in English) and are intended for legal open sale. This may include cigarettes intended for sale in another country that have been smuggled into the UK or duty free cigarettes being illegally sold, rather than kept for personal use.

Hand-rolling tobacco

Non-UK hand-rolling tobacco brands are not intended for sale in the UK.

Counterfeit hand-rolling tobacco is, like cigarettes, illegally manufactured and sold by a party other than the original trademark or copyright owner. It can also include the counterfeiting of non-UK products.

Genuine or UK hand-rolling tobacco brands include products intended for both the UK and non-UK markets.



Authorisation for Surrender/Destruction of Seized Goods

I, Behrooz AWLA, Polski Mini Market, 141 Frodingham Road, Scunthorpe, North Lincolnshire, DN15 7JT, agree to surrender to North Lincolnshire Council Trading Standards Division, Church Square House, Scunthorpe, North Lincolnshire the following items for their destruction:

Item ID	Description
P0119929	1 pack Palace Cigarettes
P0011930	2 packs Jing Ling Cigarettes
P0119931	10 packs PECT Blue Cigarettes
P0119927	6 packs PECT Red Cigarettes

I accept that these items were illicit and found at Polski Mini Market, 141 Frodingham Road, Scunthorpe, North Lincolnshire, DN15 7JT

Signed.....



Date...01.07.2013

Print Name..Behrooz awla.....



Authorisation for Surrender/Destruction of Seized Goods

I, Behrooz AWLA, Polski Mini Market, 141 Frodingham Road, Scunthorpe, North Lincolnshire, DN15 7JT, agree to surrender to North Lincolnshire Council Trading Standards Division, Church Square House, Scunthorpe, North Lincolnshire the following items for their destruction:

Item ID	Description
N00225558	10 packets of Gold Marlboro cigarettes (20's)
N00225557	1 packet of Marlboro Gold cigarettes
N00225559	1 packet PECT cigarettes
N00225549	21 x Blunt Wrap Double Platinum

I accept that these items were illicit and found at Polski Mini Market, 141 Frodingham Road, Scunthorpe, North Lincolnshire, DN15 7JT

Signed.....

Date.....27/11/2013.....

Print Name.....B. Awla.....

Trading Standards Division

Church Square House
Scunthorpe
North Lincolnshire
DN15 6XQ

Tel: (01724) 297664
Fax: (01724) 297895
Email: trading_standards@northlincs.gov.uk
www.northlincs.gov.uk/tradingstandards



ENTERPRISE ACT 2002

Part 8: Assurance of future conduct to North Lincolnshire Council

I Behrooz Awla, confirm that I have read and understood the contents of the letter dated 27th June 2013, reference from North Lincolnshire Council Trading Standards Department. I hereby give this written assurance as sought by them, pursuant to Part 8 of the Enterprise Act 2002 that I, trading under Polski Mini Market, my own name or any other trading name from any location in the UK, will refrain from the following and from carrying on any similar course of conduct in the course of my current or future business, namely:

Assurance - Confirmation of agreed action

- I will not contravene the Tobacco Products (Manufacture, Presentation and Sale (Safety) Regulations 2002 by supplying tobacco products which do not meet the requirements of these Regulations (namely not having pictorial and English health warnings).

By signing this document, I agree to be bound by these conditions. I understand that if I breach this assurance or any similar legislation, then I may be subject to further legal action. I confirm that I have received, understood and will comply with, the advice and guidance given by the Trading Standards in relation to the above legislation.

Signed: _____ Date: 1-07-2013

Print Name: Behrooz Awla Date of Birth: 1/1

Address: 66 Dingley St - Scunthorpe
DN15 - 7LU

Please complete and return this undertaking in the pre paid envelope provided within 14 days of the date of the letter.

Please read notes on reverse before signing this document



Photographs of counter area of Polski Mini Market



Photographs of toilet at rear of Polski Mini Market



Summary of interview under caution with Behrooz AWLA on 14 October 2014

Mr AWLA has owned Polski Mini Market for 14-15 months, prior to that he worked there as an employee

The biggest sellers in the shop are beers and drinks

The premises are open from 8am – 11pm

The hidden compartments were there when he took over the shop. The one in the toilet was sealed and he unsealed it and started using it when he took over the shop

He buys sleeves of illicit cigarettes from people who visit his shop; they have brought them in from trips abroad

He buys them for £18-£20 per sleeve (200 cigarettes)

He sells the tobacco for £2.50 a pack (20 cigarettes) or £4-£6 per 50g pouch of hand rolling tobacco and on average sells 2-3 sleeves a week and 2-3 pouches a week

He claims that the illicit tobacco Trading Standards seized was obtained over a period of 4-5 months

He has been selling illicit tobacco on and off since he took over the shop