

STATEMENT OF: KAREN WOAD

Age of witness Over 18

Occupation: Trading Standards Officer

This statement (consisting of 5 page(s) each signed by me) **is true to the best of my knowledge and belief**

Signed: (witness) **Date:**

I am employed by North Lincolnshire Council as a Trading Standards Officer based at Church Square House, Scunthorpe. I have held this position for 23 years. In this capacity, I am authorised to enforce a range of legislation, including, amongst others, the Licensing Act 2003. Part of my duties in relation to the Licensing Act 2003 include acting as the Trading Standards contact for premises licence applications.

On 8th March 2021, I was notified by North Lincolnshire Council Licensing that a complete application had been received for the grant of a premises licence in relation to Nasza Bidronka Food Store Ltd, 88-90 Frodingham Road, Scunthorpe, DN15 7JW. From a check on the Companies House database, I noted the sole Director of that company was Mr Deldar Ghazi Kadir, the nominated DPS on the application, the registered office address was Smiths Newsagent, 88-90 Frodingham Road, Scunthorpe, DN15 7JW and that the company was incorporated on 13th May 2020, company number 12600560.

Trading Standards have a long history of involvement with Nasza Bidronka, Smiths Newsagents and the neighbouring premises in relation to the supply of illicit tobacco, having most recently prosecuted Nasza Biedronka and Smiths Newsagents in 2019, when it was under different, but linked, ownership. The premises licence for Nasza Biedronka was also revoked following a licence review as a result of the convictions. Due to Trading Standards ongoing

Signed: **Date:**

dealings with the premises, I have the following submissions to make under the Prevention and Detection of Crime, the Protection of Children from Harm and the Public Safety licensing objectives:

1. Two complaints have been received by Trading Standards within the last 3 months alleging the business to be selling illicit tobacco. I wrote to Mr Deldar Kadir on 17th December 2020, to advise him of the complaints, his legal requirements and the effect that such complaints may have on a premises licence application. I produce this letter as item KW1. Not only is illicit tobacco illegal in Great Britain as it may be counterfeit, duty evaded or non-compliant with packaging and labelling requirements, it is also potentially unsafe in terms of both unknown ingredients and extinguishing properties and attractive to children for it's cheap price.

2. One complaint also alleges that the business sells illicit tobacco to underage children.

3. Trading Standards are currently dealing with a seizure of illicit tobacco by Humberside Police in February 2021, linked to the premises of Nasza Bidronka whilst Mr Kadir was present.

4. Intelligence submitted by Doncaster Council in March 2020 provides that a vehicle registered to Mr Deldar Kadir, a white WV Golf, is used to transport illicit tobacco in Doncaster by a person matching Mr Kadir's description.

5. Nasza Bidronka Food Store Ltd has a registered office address on Companies House of Smiths Newsagents, 88-90 Frodingham Road, Scunthorpe. Mr Deldar Kadir was an employee at Smiths Newsagents (whose address in physical terms is 84-86 Frodingham Road, next door to Nasza Bidronka) in December 2017 when Trading Standards, acting upon intelligence

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received, carried out a raid on the premises. A large quantity of illicit tobacco was discovered hidden in an elaborately concealed, deliberately constructed cupboard, with 20 bulbs of garlic and curry powder inside, in a deliberate attempt to mask the smell of the tobacco. The tobacco was seized and the owner of Smiths Newsagents at the time was prosecuted. He identified Mr Kadir by photograph in a formal interview as an employee who was present at the time of the raid.

In addition to the above which relates directly to Mr Kadir, Trading Standards have had long running issues with both Nasza Bidronka and Smiths Newsagents. Both have been prosecuted previously for the supply of illicit /counterfeit tobacco whilst under various ownerships (Smith's on multiple occasions) and Nasza Biedronka had its previous premises licence revoked in August 2020 due to the criminal activity taking place on the premises.

The applicant for the commissioning of the plan for this premises licence application is Mr Shah Ali. According to the Property Register held by Land Registry, Mr Ali is also the owner of 92 Frodingham Road, next door to Nasza Bidronka Ltd. In the investigation that Trading Standards are currently dealing with (the seizure of illicit tobacco by Humberside Police in February 2021), as well as the small amount of tobacco found within the premises of Nasza Bidronka, a large amount of tobacco was seized from an outbuilding at 92 Frodingham Road, which is accessible from the yard at the rear of Nasza Bidronka. The person arrested by Humberside Police in connection with this matter, Mr Siber Sadik Mohammed (now known as Bryear Mohammed), is the previous Director of Nasza Biedronka (limited company name MHS Store Ltd) and also owner of Smiths Newsagents, both businesses prosecuted by Trading

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Standards for illicit/counterfeit tobacco offences in 2019.

It is the assertion of Trading Standards that engaging in criminal activity of this nature, having been previously warned about it and advised of the legal position, shows a blatant disregard for the law. It is a logical assumption that engaging in one type of criminal activity may well lead to criminality in other areas. Trading Standards submits that the supply of illicit tobacco from the premises undermines the following Licensing Objectives:

The 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 an unlimited fine. In addition, the offences fall within the remit of The Proceeds of Crime Act.

The Protection of children from harm

By engaging in the criminal activity of the supply of illicit tobacco, the Company Director is showing a blatant disregard for the law. Coupled with the allegations of underage sales in relation to tobacco, this gives no confidence that the premises will not also engage in underage sales of alcohol.

Public Safety

Illicit white cigarettes (non-genuine brands), smuggled and counterfeit tobaccos are not controlled in their manufacture and as a result, the cigarettes are likely not to meet safety standards which require that all cigarettes are self-extinguishing when not being smoked. Such illegal cigarettes have been attributed to house fires in the region. Additionally, non-controlled production

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may result in any number of unknown ingredients which may be harmful to health.

In making these submissions, Trading Standards ask that the application to grant a premises licence be rejected and that Mr Kadir be considered unsuitable in the role of Designated Premises Supervisor.

Signed:

Date:

Contact: Mrs K Woad
Direct Dial: 01724 297655
E-mail: karen.woad@northlincs.gov.uk
Your Ref:
Our Ref: SRU 249193
Date: 17th December 2020

North Lincolnshire Council

Mr Deldar Kadir
Nasza Bidronka Food Store Ltd
88-90 Frodingham Road
Scunthorpe
DN15 7JW

www.northlincs.gov.uk

Church Square House
30-40 High Street
Scunthorpe
North Lincolnshire
DN15 6NL

Dear Mr Kadir

Re: Allegations of sales of illegal cigarettes and underage sales of cigarettes

Over the last two days, I have received 2 complaints that your premises are selling illegal tobacco and in addition, selling such tobacco to children.

The law in England requires that only genuine, UK duty-paid tobacco, in plain packaging with appropriate warnings, may be sold.

This means that sales of counterfeit or non-UK cigarettes and tobacco (illicit whites/cheap cigarettes) are illegal.

Persons who are found to be selling such products are committing criminal offences and may be prosecuted and risk having a licence to sell alcohol (if they have one) revoked.

The law in England also states that you cannot sell cigarettes and tobacco to persons under the age of 18 years.

This means that sales of cigarettes to children aged under 18 years are illegal.

Persons who are found to be making such sales also commit criminal offences, for which they may be prosecuted. Additionally, repeated sales of cigarettes to children may result in you or your premises being banned from selling tobacco for up to a year.

As a Responsible Authority under the Licensing Act 2003, Trading Standards has been notified of your application for a premises licence to be granted. It is the role of a Responsible Authority when assessing such an application, to make representations, if appropriate, to the Licensing Authority. Information that Trading Standards has received, alleging that your premises are engaging in criminality, will be included in such representations.

In view of the implications that this may have on your licence application, please contact me, no later than 7th January 2021, using the above e mail/telephone number, to discuss further. I am able to provide you with guidance in relation to underage sales and statutory notices required to be displayed on your premises.

Yours sincerely,



Mrs K Woad
Trading Standards Officer

Premises Licence application - Nasza Bidronka, 88-90 Frodingham Road, Scunthorpe - Objection

Karen Woad <[REDACTED]>

Thu 25/03/2021 14:49

To: Licensing <Licensing@northlincs.gov.uk>

 2 attachments (165 KB)

Representation statement.docx; KW1 Letter 17.12.20.doc;

Good afternoon

Trading Standards is in receipt of the premises licence application for Nasza Bidronka, 88-90 Frodingham Road, Scunthorpe.

Trading Standards wish to object to the application and to Mr Kadir being appointed as DPS.

Please see attached the supporting documentation.

Kind regards

Karen Woad

Trading Standards Officer

Trading Standards | Waste & Public Protection | Church Square House, High Street East, Scunthorpe DN15 6XQ (Sat Nav DN15 6NL) | Tel: [REDACTED]

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