

LICENSING SERVICE

<i>For Office use only</i>	
LalPac Application No.	
Licence Number	PL1802

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

LICENSING ACT 2003

Review requested by:	Weights and Measures
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Blackpool will be a Vibrant, Inclusive,
Healthy, Safe and Prosperous Town



Blackpool Council

BUILDING A BETTER COMMUNITY FOR ALL

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. You may wish to keep a copy of the completed form for your records.

I	Glen Phoenix of Blackpool Weights and Measures Department
----------	--

[insert name of person requesting review]

apply for the review of a premises licence under section 51 or 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 Details

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.									
Premises Name and Address	International Delicatessen								
	239 Dickson Road								
	Blackpool	Post Code	F	Y	1	2	J	H	
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Mohammed Ali Anwar									
Premises Licence or Club Premises Certificate Reference Number (if known)								PL1802	

Part 2 – Applicant details

I am:

	Please tick
1) an interested party (please also complete sections 2A or 2B below)	<input type="checkbox"/>
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2) a responsible authority (please also complete 2C below)	<input checked="" type="checkbox"/>
3) a member of a club to which this application relates (also complete section 2A below)	<input type="checkbox"/>

(2A) Individual Applicants (fill in as applicable)

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	Please tick		
							Yes	No	
Forenames						Surname			
Home address									
				Post Code					
Telephone Number						Mobile Number			
E-Mail Address									

(2B) Other Applicant or Representing Body

Name									
Address									
				Post Code					
Telephone Number									
E-Mail Address									

(2C) Responsible Authority applicant

Name		Glen Phoenix of Blackpool Weights and Measures Department									
Address		Number One, Bickerstaffe Square, Talbot Gateway, Talbot Road,									
		Blackpool									
		Lancashire		Post Code		F	Y	1		3	A
Telephone Number		01253 478381									

E-Mail
Address

glen.phoenix@blackpool.gov.uk

Part 3 – Reason for Review

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

	Please tick
1) the prevention of crime and disorder	x
2) public safety	x
3) the prevention of public nuisance	
4) the protection of children from harm	

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

The review is brought on behalf of the Licensing Authority following concerns that the Licensing Objectives are not being properly promoted when the premises are selling alcohol.

The circumstances leading to this review are that on the 30th September 2014 an undercover test purchase of illicit tobacco was carried out by an officer from the Trading Standards Enforcement Section. Immediately following this test purchase, officers searched the premises and found 145 pouches of foreign rolling tobacco in the rear storeroom. This has been examined and was confirmed to be counterfeit.

Aside from the obvious offence of selling counterfeit tobacco the conduct of the person running the business was disturbing. The male in charge at the time of the test purchase and seizure of the tobacco was a male called Salim Balesaria who claimed to be a simple employee but is actually the husband of the Designated Premise Supervisor, Tasleem Balesaria. I believe that Mr Balesaria is actively running the licenced premise. Initially, when asked to identify himself he gave a false name to the officer. Not only is this an offence, it also raises concerns as to his suitability to be in a position of responsibility.

Mr Balesaria has recently pleaded guilty to the offence of possessing counterfeit tobacco with intent to supply.

The selling of counterfeit tobacco raises major concerns in respect of the licensing objective relating to public safety. To borrow the phrase used by James Ferguson from Imperial Tobacco in his statement in respect of the counterfeit tobacco,

"I can say that while our tobacco is produced to certain consistent standards as regards Nicotine and Carbon Monoxide content, the content of counterfeit tobacco is unregulated"

A subtle way of saying that any and every undesirable substance could be sold as tobacco.

To further escalate our concerns, on the 8th January 2015, a Covert Human Intelligence Source (CHIS) was used to try and purchase tobacco again from this premise. Again counterfeit tobacco was sold and a significant amount of suspect tobacco was recovered from the premises:-

- 11 pouches Golden Virginia
- 1 pack black NZ superslim cigarettes
- 19 packs Mayfair cigarettes
- 23 packs L&M cigarettes
- 5 packs Pect/Fest cigarettes
- 6 packs Marlboro cigarettes
- 8 packs Goal cigarettes
- 3 packs Palace cigarettes

To date the Golden Virginia and the Mayfair cigarettes have been confirmed as counterfeit. The lady in the shop at the time didn't know the full name of the manager, stating only that she knew him as "Sal". I believe this is short for Salim Balesaria.

In respect of the licensing objective relating to the prevention of crime and disorder, the selling of counterfeit tobacco is a clear offence under the Trade Marks Act 1994. The Home Office published "Amended Guidance Issued under Section 182 of the Licensing Act 2003" dated June 2013, discusses in part 11, Reviews arising in connection with crime. Paragraph 11.27 outlines certain criminal activity that may arise in in connection with licenced premises which should be treated particularly seriously. Eleven examples are given of criminal activity. The last one states,

"For the sale of smuggled alcohol or tobacco."

It is accepted that the tobacco in issue is not smuggled, but if we apply a more liberal interpretation of the guidance, it is within the spirit of the guidance that the sale of counterfeit tobacco should also be treated particularly seriously.

LS/F/005/12/1

Turning to the premises Licence conditions, in my statement in support of this application I make the point that when I visited the shop on the 13th January 2015; Tasleem Balesaria appeared to be an absent DPS.

Furthermore, a constant theme of the licence (which I will produce within this application) is the need for an effective age verification policy of persons who are purchasing alcohol. During my visit of the 13th January 2015 I enquired as to the existence and whereabouts of any staff training records. They were unable to produce any and I feel that there had never been any during the duration of the licence.

In summary and conclusion, there have been two sales and seizures of counterfeit tobacco from the licensed premises. Even if we take the (very) generous view that Mr Balesaria was ignorant of the law at the occasion of the first seizure, there is certainly no excuse for the second incident which displays a reckless disregard for the law and public safety. This in itself is grounds for review according to the Home Office published guidance but in addition, to paraphrase the last paragraph of my statement, in my opinion there is no management structure in place and as such the premises is open to breaches of the conditions of the licence held, and a total disregard in meeting the Licensing Objectives. It is of serious concern that despite my visits to the premises there is still uncertainty about who is the controlling mind of the licence premises. Each interested party appears to disclaim responsibility.

In support of this application I include evidence from my visit to the premises and certain, pertinent documents from Public Protection Officer Paul Crook's report into the sale of counterfeit tobacco. Of particular interest is Public Protection Officer Lee Petrak's statement which gives an account of the sale and contains images of the premises. In the interests of brevity I have not included statements from the tobacco brand holders that confirm that the tobacco is counterfeit as this is on record and not in issue. However, these documents can be made available if necessary. Evidence from the second seizure is not available as the report has not yet been submitted. However I include an email from PPO L Petrak that summarises the events of that incident. Below is a list of documents used.

Documents attached

Document 1 – Premises Licence PL1802

Document 2 – Witness Statement of PPO Paul Crook

Document 3 – Letter to Salim Balesaria requesting interview

LS/F/005/12/1

Document 4 – Witness Statement of PPO Lee Petrak including images of licenced premise and seized tobacco

Document 5 – Witness Statement of Glen Phoenix, Trading Standards Enforcement Manager

Document 6 – Explanatory Email from PPO Lee Petrak

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 2 before completing)

Document 1

Blackpool Council

Licensing Act 2003
Premises Licence

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDINANCE SURVEY MAP REFERENCE OR DESCRIPTION

Polish Shop

239 Dickson Road, Blackpool, Lancashire, FY1 2JH.

Telephone 07837 062370

WHERE THE LICENCE IS TIME LIMITED THE DATES

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only Licensed area	Monday - Saturday	10:00	20:00
	Sunday	12:00	18:00
	For non-standard timings see Annex 2.		

THE OPENING HOURS OF THE PREMISES

Licensed area	Description	Time From	Time To
Licensed area	Monday - Saturday	10:00	20:00
	Sunday	12:00	18:00
	For non-standard timings see Annex 2.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mohammed Ali Anwar

216 Manchester Road, Nelson, Lancashire, BB9 7DD.
Telephone 07837 062370

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Tasleem BALESARIA

43 Lammack Road, Blackburn, Lancashire, BB1 8JW.
Telephone 07762 037674



Blackpool Council

Licensing Act 2003

Premises Licence

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PT01153

Issued by Blackburn with Darwen

ANNEXES

Annex 1 - Mandatory conditions

- 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 premise licence must be made or authorised by a person who holds a personal licence.
- 3 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 year 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 a holographic mark.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 No entertainment of an adult nature will take place on the premises.
- 2 During the summer months of June to October the opening times and permitted hours for supply of alcohol shall be extended to 1000 - 2100.
- 3 The premises are to be equipped with a closed circuit television system, which is appropriate to its purpose and provided and maintained to the satisfaction of the enforcement authorities.
- 4 An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises. All staff involved in sales will be at least 18 years of age and will receive training to promote the licensing objectives. All training to be documented and records made available on request to a Police Officer or an authorised Officer acting for a Responsible Authority.
- 5 The Licence holder is to support and rigorously enforce the Challenge 25 proof of age policy.

Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

- i. UK photo driving licence
- ii. Passport



Blackpool Council

Licensing Act 2003

Premises Licence

ANNEXES continued ...

iii. Proof of Age Standards Scheme Card

OR any other nationally or locally approved form of identification which may be introduced in the future.

If no suitable identification is provided, sale of alcohol to them will be refused. Signs promoting this policy shall be prominently displayed at the premises.

- 6 All staff to have received suitable training in relation to the proof of age scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.
- 7 An incident book will be maintained, in which shall be recorded all refused sales to suspected under age / drunken persons. The book shall be available for inspection by a Police Officer or an authorised Officer acting for a Responsible Authority.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

See attached reference PL1802 / 1 / 1



Blackpool Council

Licensing Act 2003

Premises Licence Summary

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Polish Shop

239 Dickson Road, Blackpool, Lancashire, FY1 2JH.

Telephone 07837 062370

WHERE THE LICENCE IS TIME LIMITED THE DATES

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
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THE OPENING HOURS OF THE PREMISES

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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mohammed Ali Anwar

216 Manchester Road, Nelson, Lancashire, BB9 7DD.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Tasleem BALESARIA

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



Document 2

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of **Paul Richard Crook**

Age if under 18 (if over 18 insert 'over 18') **Over 18**

Occupation **Public Protection Officer**

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I mark it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have willfully stated anything which I know to be false or do not believe to be true

Signature  Dated 6th November 2014

I am employed as a Public Protection Officer in the Trading Standards Enforcement Section based at Bickerstaffe House, Talbot Road, Blackpool, FY1 3AH. I am a duly authorized officer to enforce the provisions of the Trade Marks Act 1994, and I produce a copy of my authorisation as Exhibit No PRC1. On 30th September 2014 I received intelligence from a Blackpool Council employee regarding the sale of illicit tobacco from International Delicatessen, 239 Dickson Road, Blackpool. At 13.28 hours I observed PPO Petrak enter the premises at 239 Dickson Road to try and obtain a test purchase and he came out a minute or so later and handed me a pouch of Amber Leaf hand rolling tobacco with foreign health warnings on it. We entered the premises at 13.34pm, and I introduced myself to the only person in the shop who was situated behind the counter. He advised me his name was Sahl Patel, and I gave him a Notice of Powers, a copy of which I produce as Exhibit No PRC2. We then searched the premises, and PPO Petrak located 145 pouches of foreign labelled tobacco in a rear storeroom. I gave a receipt for the seized goods, numbered 1905, a copy of which I produce as Exhibit No PRC3. Mr Patel advised me he had to close the shop to collect his child from a school in Blackburn so the search was aborted. Mr Patel wrote his details onto my pad along with the owners name, and I produce the details, which I now know to be false as Exhibit No PRC4. I observed Mr Patel close the

Signature  Signature witnessed by

shop, and drive away in a car registration number NM06PNF and waited for the Police who were picking us up from the premises. Whilst waiting for the Police I was quizzed by a number of people as to why the shop was closed at 2pm and one male specifically asked me if I had any £3 packs of cigarettes from the shop. When the Police arrived, they checked the details of the car driven by Mr Patel, and told me the insured driver was Salim Balesaria of 43 Lammack Road, Blackburn, an individual I prosecuted for the sale of counterfeit tobacco and cigarettes at another location in Blackpool in 2007. On October 2nd 2014 myself and PPO Petrak revisited the premises at 239 Dickson Road, Blackpool to finish the search. I issued a Notice of Powers to the only person in the shop at 11.39am, who was the same individual as 30th September and I produce a copy of the Notice of Powers as Exhibit No PRC5. At this point Mr Patel advised me that he had given false details during the initial visit, and confirmed his real name was Salim Balesaria. I then cautioned Mr Balesaria and a quick interview took place via PPO Petrak's pocketbook, which I witnessed. We left the shop at 11.58pm after finding nothing. On 21st October 2014 I sent a letter to Mr Balesaria requesting an interview on 5th November 2014, a copy of which I produce as Exhibit No PRC6, and a copy of the Blackpool Council outgoing postbook showing the letter had been sent as Exhibit No PRC7. Mr Balesaria did not attend for interview and did not attempt to contact me to rearrange the interview date. I produce a copy of the Premises Licence details as Exhibit No PRC8, which shows Tasleem Balesaria, the wife of Salem Balesaria, as the Designated Premises Supervisor despite Salim Balesaria advising me that he was just an employee in the business.



Signature  Signature witnessed by

Document 3

Blackpool Council

Date: 21 October 2014

Salim Balesaria
35 Colenso Road
Blackburn
Lancashire
BB2 8DR

Our Ref: PRC/SMC/1679332
Your Ref:
Direct Line: (01253) 478390
Email: paul.crook@blackpool.gov.uk

Dear Mr Balesaria

Trade Marks Act 1994

I refer to the above legislation and my visit to trade premises, namely International Delicatessen, 239 Dickson Road, Blackpool on 30th September 2014 and am now in a position to interview you regarding potential criminal offences under the Trade Marks Act 1994. All the seized tobacco has been examined and all found to be counterfeit. Copies of statements from the two tobacco companies are enclosed for your information. I am therefore requesting that you attend a formal tape record interview in accordance with the Police and Criminal Evidence Act 1984 at **11:00 am on Wednesday 5th November 2014** at Blackpool Council Offices, Number One, Bickerstaffe House, Talbot Road, Blackpool FY1 3AH.

Please be aware that any comments you make in response to this letter, in writing or otherwise, will be made under Caution. The Caution reads –

You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence.

It may be advisable for you to seek independent legal advice, whether or not you decide to respond to this letter. Failure to respond to this letter or you fail to attend for interview, then legal proceedings will be considered.

If you need to speak to me, or to change the interview date, please feel free to contact me on the number above.

Yours faithfully

Paul Crook
Public Protection Officer
(Public Protection Division)

DESCRIPTION OF EXHIBIT
INTERVIEW LETTER
SENT TO SALIM BALSARIA
EXHIBIT IDENTITY MARK
I IDENTIFY THIS AS PRC/
SIGNATURE(S) [Signature]

Public Protection Division | Community and Environmental Services Department | Blackpool Council | Number One | Bickerstaffe Square | Talbot Road | Blackpool | FY1 3AH

Post to: Blackpool Council | PO Box 4 | Blackpool | FY1 1NA

Document 4

STATEMENT OF WITNESS

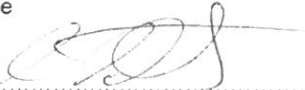
(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of Lee Karl Petrak

Age if under 18 (if over 18 insert 'over 18').....Over 18

Occupation Public Protection Officer

This statement (consisting of 4 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 willfully stated anything which I know to be false or do not believe to be true

Signature  Dated 5/11/2014

I am employed by Blackpool Council as a Public Protection Officer in the Trading Standards section based at Bickerstaffe House, Blackpool. I am a duly authorised officer to enforce the provisions of the Trade Marks Act 1994. On 30th September 2014, I was on duty with Public Protection Officer Paul CROOK when we conducted a test purchase of cigarettes at the International Delicatessen, 239 Dickson Road, Blackpool, FY1 2JH. At 13.28 hours I entered the store referred to above to attempt a test purchase. CROOK remained outside the store on the opposite side of Dickson Road. Upon entering the store I could see the shop counter area a few meters in front of me. The shop front area continued to the left and rear of the premises up 2 small steps. Beyond the shop area I could see an empty doorway leading to what I assumed to be a store room. Directly behind the counter area was a door signed 'Staff Only'. A male served me who I would describe as Asian, with black short hair, and of average height, casual but smart dress, aged late thirties to forty. I then engaged in a conversation with the male I now know to be Salim BALESARIA. The conversation was as follows: -

LP: "do you sell cigarettes?"



Signature Signature witnessed by

SB: (points out me on some shelves to my right behind the counter some cigarettes exposed for sale)

LP: "do you have any rolling tobacco?"

SB: "We have some Belgian tobacco which is £11, and some cheap tobacco. What do you want?"

LP: "How much is the cheap stuff?"

SB: "£4.50"

LP: "I'll have some of that"

BALSARIA then left the counter area and walked to the back of the shop into the store room where he left my view for approximately 5 seconds. He returned holding a yellow packet, which when presented to me I could clearly see was a packet of Amber Leaf rolling tobacco carrying foreign labelling. I gave BALSARIA £5.00 for the product. He gave me 50 pence change and advised me to stuff the packet in my pocket gesturing with his hand, as if to point out that he was aware that he should not have sold the product to me and that I should keep it out of view. I stuffed the packet in the rear pocket of my jeans as suggested and left the store returning to CROOK's position where I handed him the tobacco I had purchased from BALSARIA. I produce the tobacco sold to me by BALSARIA as exhibit **LP/SB/Sample1**

I advised CROOK what had occurred and we made a decision to immediately return to the store and make ourselves known.

At 13.34 hours CROOK entered the store and I followed him in a few seconds later and indicated to CROOK who had just sold to me. We made ourselves known to BALSARIA before CROOK proceeded to deal with BALSARIA. In my opinion BALSARIA appeared to freeze and looked visibly shocked once he realised what was happening. When CROOK pointed out to BALSARIA why we were visiting the store I heard BALSARIA deny making a sale of tobacco to me. At this point I went to rear of the premises where I had witnessed BALSARIA go to retrieve the tobacco he sold to

Signature Signature witnessed by



me. In the store room I located a small open cardboard box that contained approximately 20-30 packets of rolling tobacco. All but 4 packets in this box were green coloured Golden Virginia brand tobacco. The 4 remaining packets were yellow coloured Amber Leaf brand tobacco identical to the packet BALSARIA sold to me. I removed the box to bring it to the attention of CROOK. I then returned to the store and took 2 pictures of the location where I had located the box of tobacco. I exhibit these pictures to my statement labelled **LP/SB1-2**.

After taking the pictures I could see the store room extended into another room which was in near total darkness. I conducted a brief search of this store room where in the far left corner of the room I located a large cardboard box torn open in one corner that contained further packets of rolling tobacco. I took a picture of this box before removing it, which I exhibit to my statement labelled **LP/SB3**. I brought the large box of tobacco to the attention of CROOK before counting up the packets contained in the two boxes I had found. I counted 141 green coloured packets of Golden Virginia brand tobacco and 4 yellow coloured packets of Amber Leaf brand tobacco. I gave these figures to CROOK.

Whilst CROOK dealt with BALSARIA I took some more pictures showing the external shop front and the internal layout of the shop. I exhibit these pictures to my statement labelled **LP/SP4-7**.

CROOK and I left the International Delicatessen store at 13.59 hours.

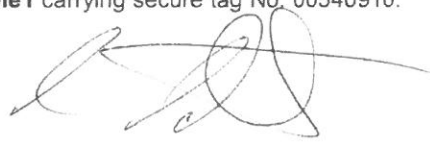
On the 2nd October 2014 at 11.39 hours I attended International Delicatessen, 239 Dickson Road, Blackpool, FY1 2JH, accompanied by CROOK and fellow Public Protection Officer Karl Bischoff. Shortly after arriving at the premises we were joined by PC 905 Paul SHOWELL as arranged by CROOK. The purpose of the visit was to conduct a further search of the premises. Upon arriving at the premises I could immediately see that BALSARIA was present.



Signature Signature witnessed by

I approached the counter area accompanied by my colleagues, where CROOK spoke with BALSARIA whilst BISCHOFF and I conducted a further search of the premises. Upon searching the store rooms to the rear of the premises as I had done on the 30th September 2014, it was clear to me that these rooms had been significantly tidied. I found no further quantities of illegitimate tobacco. Before we left the premises, at 11.56 hours CROOK cautioned BALSARIA whilst I recorded the questions and responses in my pocket notebook. During this questioning by CROOK, BALSARIA admitted to making the sale to me on the 30th September 2014. BALSARIA signed my pocket notebook agreeing the entries I recorded as an accurate account. I exhibit to my statement a copy extract of my pocket notebook as exhibit **LP/SB/Notes**. We then left the area.

On the 3rd October 2014 I attended our secure evidence store with CROOK. During that visit I took 2 pictures of exhibit **LP/SB/Sample1** carrying secure tag No. 00540910. I produce these pictures as exhibits **LP/SB/8-9**.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Signature Signature witnessed by



DESCRIPTION OF EXHIBIT: Photo of
Store showing location
of 1st seizure
IDENTIFY THIS AS EXHIBIT IDENTITY MARK
LPISB1
SIGNATURE(S): [Signature]



DESCRIPTION OF EXHIBIT Photo of
Shelving where seizure
1 located
IDENTIFY THIS AS EXHIBIT IDENTITY MARK
IP15B2
SIGNATURE(S) [Signature]



LS/F/005/12/1



DESCRIPTION OF EXHIBIT... Photo of
Shop Layout
I IDENTIFY THIS AS... EXHIBIT IDENTITY MARK
WPSB
SIGNATURE(S)... [Signature]



DESCRIPTION OF EXHIBIT *Photo of
shop layout*

I IDENTIFY THIS AS EXHIBIT IDENTITY MARK *LP/SBS*

SIGNATURE(S) *[Signature]*



DESCRIPTION OF EXHIBIT Photo of Shop front

I IDENTIFY THIS AS W1586 EXHIBIT IDENTITY MARK

SIGNATURE(S): [Signature]







DESCRIPTION OF EXHIBIT *Photo of tobacco to smoking bag no 00540910*

EXHIBIT IDENTITY MARK

I IDENTIFY THIS AS *WJSG*

SIGNATURE(S) *[Signature]*

RESTRICTED (when complete)

FORM MG11

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Glen Neil Phoenix**

URN

[] [] [] [] []

Age if under 18 (if over 18 insert "over 18"). Occupation **Trading Standards Manager**

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.

Dated the **26nd** day of **January 2015**

Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature

I am Glen Neil Phoenix, employed as Trading Standards Manager, for Blackpool Council, Bickerstaffe House, Talbot Gateway, Talbot Road Blackpool FY1 3AZ, and I have held this post for 8 years.

At 12:30pm on Tuesday the 13th of January 2015, together with Public Protection Officer Lee Petrak, we performed a routine inspection of the 'International Food Store 239 Dickson Road Blackpool FY1 2JH. This was a follow up visit into the premises which had been subject of Illicit and Counterfeit tobacco seizures on the 30th of September 2014 and a further seizure on the 8th of January 2015.

The tobacco seized when examined was found to be counterfeit and contravened the Trade Marks Act 1994 legislation.

The premises also hold a Liquor Licence to sell alcohol, the Licence is held by Mohamed Ali ANWAR of 216 Manchester Road Nelson Lancashire BB9 7DD.

I can confirm that during the inspection Mr Anwar was present together with a shop assistant who I now know to be Ms Elwira GAWECKA born 24/09/1985 of 91 Handsworth Road Blackpool FY1 2QZ.

I was unable to ascertain from the persons present as to whether any staff training records had been completed, they were unable to produce any and I felt that there never had been any during the duration of the licence.

The Designated Premises supervisor (DPS) Tasleem Balasaria was not present, and from the conversation I had with both ANWAR and GAWECKA, it would appear she was an absent DPS, and had no involvement on a day to day basis. I did not find any documentation as to who authorises the sale of alcohol from the premises.

Clearly there are various breaches of conditions of that Licence, Mr ANWAR indicated that he was in the process of selling the lease and business to Salim Balesaria, but nothing had been finalised, and he still had a responsible role as Premises Licence Holder.

Signature



Signature witnessed by

In my opinion there is no management structure in place and as such open to breaches of the conditions on the Licence held, and a total disregard in meeting the Licensing objectives.



Signature



Signature witnessed by

Document 6

Steven Ash

From: Lee Petrak
Sent: 26 January 2015 11:10
To: Steven Ash
Subject: 239 Dickson Road

Steve

Raid was 8th Jan 2015. Present in premises was Elwira Gawecka who admitted to selling to chis. She also directed us to stash.

Tobacco recovered from premises: -

11 pouches Golden Virginia
1 pack black NZ superslim cigarettes
19 packs Mayfair cigarettes
23 packs L&M cigarettes
5 packs Pect/Fest cigarettes
6 packs Marlboro cigarettes
8 packs Goal cigarettes
3 packs Palace cigarettes

To date, Golden Virginia and Mayfair confirmed as counterfeit. L&M, Marlboro and Palace sent for examination.

A diary was also seized that appears to details tobacco sales/purchases. A number of documents were located relating to various named individuals but no documents located relating to training re age restricted products. Premises is licensed for off sales consumption and sells eastern European branded liquors. A few legitimate tobacco sales present but we are talking less than 10 packs.

On day of visit Gawecka said she had not been working there long (November). She knows manager only as Sal. Landlord has confirmed Leaseholder is Ali Anwar. Mr Anwar has previously claimed he is no longer involved with premises. Landlord has confirmed Anwar requested lease be transferred to another but that this has not been completed. Landlord taking advice as to what to do in light of our seizure. Anwar has paid rent up to May 2015.

Persons of interest: -

Elwira Gawecka
Salim Balesaria
Tasleem Balesaria
Mohammed Ali Anwar

Will that do you?

Mr Lee Petrak

Public Protection Officer

Public Protection Division | Community & Environmental Services Department | Blackpool Council | No. 1
Bickerstaffe Square | Talbot Road | Blackpool | FY1 3AH

T:01253 477861

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Part 4 – Other relevant information

Have you made an application for review relating to this premises before?	Please tick	
	Yes	No
		X
	Day	Month
If yes please state the date of that application		
		Year

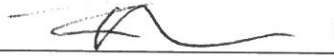
If you have made representations before relating to this premises, please state what they where and when you made them.
N/A

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.	Please tick
	X
I understand that if I do not comply with the above requirements my application will be rejected	X

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 5 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (Please read guidance note 4) **If signing on the behalf of the applicant please state in what capacity.**

Signed	
Print Name	Glen Phoenix
Capacity	Trading Standards Manager (Enforcement)
Date	27 th January 2015

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 5)						
Title:	Mr	Mrs	Miss	Ms	Other	
Forenames				Surname		
Address for Correspondence associated with this application						
					Post Code	
Telephone Number				Mobile Number		
E-Mail Address						

Notes for Guidance

1. The grounds for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems that 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 that we shall use to correspond with you about this application.