



REV1

**Application for a 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 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 PC 4198 CLIFFORD (insert name(s) 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**

Postal address of premises or club premises, or if none, ordnance survey map reference or description

Potraviny Danko

39 Compton Road

Post town

Leeds

Post code

LS97BJ

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

Saman Ali FAIAK

Number of premises licence or club premises certificate (if known)

PREM/03596/003

**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)

Mr

Mrs

Miss

Ms

Other title (for example, Rev)

Surname

First names

Please tick  Yes

I am 18 years old or over

Current postal address  
if different from  
premises address

Post Town

Leeds

Postcode

Daytime contact telephone number

Email address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name

Address

Telephone number (if any)

E-mail (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name PC 4198 CLIFFORD
C/O Leeds District HQ Elland Road Police Station Elland Road LS118BU
Telephone number (if any)
E-mail (optional) [REDACTED]

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

Please tick one or more boxes ✓

- 1. the prevention of crime and disorder ✓
- 2. public safety ✓
- 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)**

On 16<sup>th</sup> June 2023 a joint operation was executed in Harehills aimed at off licences selling illicit tobacco and non-duty paid alcohol.

The operation was in collaboration with HMRC, Trading Standards, West Yorkshire Police and Leeds City Council Licensing.

Potraviny Danko was found to be storing nonduty paid alcohol openly in the store for sale to members of the public along with illicit tobacco within a hidden wall cavity.

On the 10<sup>th</sup> July 2023 Trading Standards then conducted a further test purchase for cigarettes. Despite less than a month earlier having illicit tobacco seized from the shop, Trading Standards were able to buy another packet of illegal cigarettes.

Prior to these dates Trading Standards have documented that between 26/09/2017 and 24/05/2018 they made 2 seizures of illegal cigarettes and rolling tobacco and that during the same period there were 5 test purchases where illegal tobacco was sold.

Then on 12<sup>th</sup> June 2023 they conducted a test purchase prior to the joint operation where another illegal packet of cigarettes was sold.

Potraviny Danko and the people operating it are habitually selling illegal cigarettes as well as non-duty paid alcohol. The sale of smuggled goods is a criminal offence which must be taken especially serious given the fact Potraviny Danko currently holds a premises licence. Potraviny Danko are not promoting the licensing objectives and are supporting serious and organised crime by being involved in the smuggling of goods to the UK.

Further to that on Wednesday 13<sup>th</sup> September 2023 West Yorkshire Police conducted a test purchase operation whereby the shop sold alcohol to Police Cadets who were under the age of 18 years old. This further demonstrates how far away the premises are from upholding the licensing objectives.

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

Please tick  yes

Have you made an application for review relating to this premises before?

If yes please state the date of that application

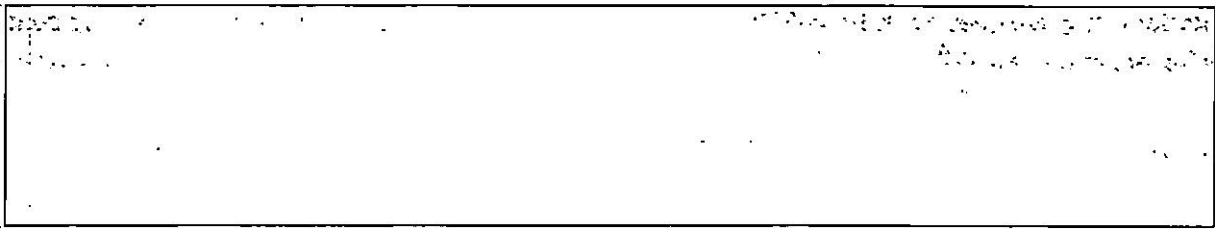
Day	Month	Year					

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

Trading Standards have assessed the tobacco products and deemed them to be illicit/smuggled and provided a statement to evidence this.

HMRC have seized alcohol from the premises and deemed it to be non-duty paid which they have evidenced in a statement.

West Yorkshire Police have evidenced in a statement the sale of alcohol to underage Police cadets.



Please tick ✓ Yes

- 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 -**

Signature ..... for duly authorised agent. (See guidance note 5). ..... state in what capacity.

Signature .....

Date 6/.....

Capacity West Yorkshire Police Licensing Officer.

<b>Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)</b>	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	

**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.



WEST YORKSHIRE POLICE  
OFFICIAL SENSITIVE (when complete)

**WITNESS STATEMENT**

(Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;  
Criminal Procedure Rules, Rule 16.2)

NICHE Ref. No:

[REDACTED]

URN:

[REDACTED]

Statement of:

[REDACTED]

Date of birth: Over 18

Occupation: POLICE CONSTABLE

This statement (consisting of: 3 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.

Signature:

[REDACTED]

Date: Wednesday 20<sup>th</sup> September 2023

Time and date statement taken: 09:34 on Wednesday 20<sup>th</sup> September 2023

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

I am a Police Constable serving in West Yorkshire Police, currently based at Killingbeck Fire station. On Wednesday 13<sup>th</sup> September 2023 I was on duty in plain clothes working on a test purchase operation targeting the sale of alcohol to persons under 18 years of age. The test purchase children were given a £20 note for this operation which was returned in full at the end of the operation.

At approximately 18:00 on Wednesday 13<sup>th</sup> September 2023, myself, and child X and Y aged 14 and 15 years old, who were test purchase children, were present at Potraviny Danko, 39 Compton Road, LS9 7BJ.

At approximately 18:00 I followed the test purchase children, who were working with the Police on the operation, into an off-licence premises called Potraviny Danko, 39 Compton Road, LS9 7BJ.

I observed the test purchase children browse the alcohol section of the store and pick up a single bottle of BUDWEISER valued at approximately £2. I cannot recall the specific amount due to the time that has lapsed. I know that the £20 note was split into x3 £5 notes and coin

Signature:

[REDACTED]

Signature witnessed by:

OFFICIAL SENSITIVE (when complete)

NICHE Ref. No:	[REDACTED]	URN:	Error! Reference source not found.
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Continuation Statement of [REDACTED]  
 change was given and I was able to get the bottle of BUDWEISER refunded which resulted in the full amount of £20 being in police possession again. No receipt had been produced at the time of the sale. The alcohol by volume (ABV) of this product is 4.5%.

At approximately 18:02 I was standing close by when I observed the test purchase children attempt to purchase the alcoholic drink described above. I heard the seller, who I now know to be [REDACTED] state the value of the bottle of alcohol.

I saw the test purchase children hand over payment in cash for the above-described alcoholic drink which was accepted. At no time was the test purchase child asked their age or asked to show any identification indicating their age.

I left the store with the test purchase children to get them back to the police van that had been parked around the corner on [REDACTED] and met with [REDACTED] and informed him of the results of the test purchase.

Shortly afterwards I was present at the point of sale with [REDACTED] We had re-entered the store together and he produced the BUDWEISER handed to him by the test purchase children, which had been given to him after the sale took place, and he then approached the sales staff.

At this point I also identified myself as a Police Officer and produced my warrant card for inspection.

Signature [REDACTED]

Signature Witnessed by:

NICHE Ref. No:	[REDACTED]	URN:	Error! Reference source not found.
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Continuation Statement of [REDACTED]

I confirmed to [REDACTED] that the person behind the counter was the person who sold the item to the test purchaser.

[REDACTED] and I have spoken with [REDACTED] in the storeroom away from customers and a staff member.

[REDACTED] then pointed out the offence to this person, the seller.

I was present when [REDACTED] cautioned [REDACTED] (sales person) and issued her with a Community Resolution document for selling alcohol to a person under the age of 18 years contrary to S.146(1) of the Licensing Act 2003.

Signature: [REDACTED]

Signature Witnessed by:

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

**(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)**

Statement of: [REDACTED]

URN: DD Ref / Case Type / Investigation Team / CAN / YY

Age if under 18: Over 18

Occupation: Excise Caseworker

This statement (consisting of two 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.

Signature: [REDACTED]

Date: 26/10/2023

Indicate if witness evidence is visually recorded No

I am employed as an Officer by His Majesty's Revenue and Customs (HMRC) based at offices situated at 7-8 Wellington Place, Leeds.

My role is an Excise Compliance Caseworker

I am authorised to make a disclosure under Section 19 of the Anti-Terrorism, Crime and Security Act 2001 in relation to the following Subject:

I was present at a visit to Potraviny Danko on 16 June 2023.

We entered under CEMA 1979 s112.

77 Cases of beer were identified as not having invoices to verify that UK Excise duty had been paid.

These have a duty value of £695.

9840 Cigarettes and 3.55kg of Hand Rolling tobacco were found that were not for the UK market.

Some of these were found concealed inside potato sacks and some in a concealment behind a bathroom mirror. These have a duty value of £5,117.

The street value of the goods seized cannot be determined, as no invoices were obtained it is not possible to determine purchase price of these goods.

These were seized under CEMA 1979 s139

I now produce [REDACTED] duty schedule for the seizure.

These documents were created or received by Officers of His Majesty's Revenue and Customs in the course of their official duties from information supplied by a person or persons who may be

Date: 26/10/2023

Signature: [REDACTED]  
(Signature of witness)Signature: Enter Name  
(Signature witnessed by)**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

Page 1 of 2

Statement of: [REDACTED] URN: DD Ref / Case Type / Investigation Team / CAN / YY

reasonably be supposed to have had a personal knowledge of matters dealt with. Where the information was supplied through others, each of them received it in the course of a trade, business, occupation or office. The person or persons who originally supplied the information cannot reasonably be expected to have recollection of the matters dealt with in the documents.

Date: 26/10/2023

Signature: [REDACTED]  
(Signature of witness)

Signature: Enter Name  
(Signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

PRODUCT	TRADE TARIFF	Product	ABV %	Litro Per Unit	Units Per Case	Full Cases	Loose Cans	Total Units	Litre	Litres of pure alcohol	ABV Duty Band	Duty Rate	Duty	
Beer 3.5% to 8.5% ABV	321	Debowe	7.0	0.50	24	6	32	176	88.00	6.16	3.5% to 8.4%	£21.01	£ 129.42	
		Lech	4.8	0.50	24	8	21	213	106.50	5.112	3.5% to 8.4%	£21.01	£ 107.40	
		Namyslow	5.8	0.50	24	64	64	64	32.00	1.856	3.5% to 8.4%	£21.01	£ 38.99	
		Okocim	6.5	0.50	24	6	6	150	75.00	4.875	3.5% to 8.4%	£21.01	£ 102.42	
		Okocim Green	5.2	0.50	24	4	4	96	48.00	2.496	3.5% to 8.4%	£21.01	£ 52.44	
		Oranjeboom Blue	5.0	0.50	24	2	9	57	28.50	1.425	3.5% to 8.4%	£21.01	£ 29.94	
		Pera Miodowa	5.4	0.50	24	17	17	17	8.50	0.459	3.5% to 8.4%	£21.01	£ 9.64	
		Pera Mocne	7.1	0.50	24	27	1	27	25.50	1.8105	3.5% to 8.4%	£21.01	£ 38.04	
		Pera Miodowa	5.4	0.50	24	1	1	24	12.00	0.648	3.5% to 8.4%	£21.01	£ 13.61	
		Warka Classic	5.2	0.50	24	1	22	46	23.00	1.196	3.5% to 8.4%	£21.01	£ 25.13	
		Warka Strong	6.3	0.50	24	3	19	91	45.50	2.8665	3.5% to 8.4%	£21.01	£ 60.23	
		Zubr	6.0	0.50	24	4	23	119	59.50	3.57	3.5% to 8.4%	£21.01	£ 75.01	
							36	240	1104	552	32.474		Total	£ 582.28
		Beer 8.5% to 22%	331	Karpackie	9.0	0.50	24	5	15	135	67.50	6.075	8.5% to 22%	£28.50
Kestrel Super	9.0			0.50	24	10	240	240	120.00	10.8	8.5% to 22%	£28.50	£ 307.80	
OJ Strong	8.5			0.50	24	7	15	183	91.50	7.7775	8.5% to 22%	£28.50	£ 221.66	
Oranjeboom Strong	8.5			0.50	24	3	9	81	40.50	3.4425	8.5% to 22%	£28.50	£ 98.11	
Skol Super	8.0			0.50	24	15	15	231	115.50	9.24	8.5% to 22%	£28.50	£ 263.34	
						34	54	870	435	37.335		Total	£ 1064.0475	
Wine	333	Berteletti Chardonnay	12.0	0.75	2	2	2	1.50	0.18	8.5% to 22%	£28.50	£ 5.34		
		Berteletti Pinot Grigio White	12.0	0.75	4	4	4	3.00	0.36	8.5% to 22%	£28.50	£ 10.69		
		Capital Chardonnay	11.5	0.75	5	5	5	3.75	0.43125	8.5% to 22%	£28.50	£ 13.36		
		Corte Reale Pinot Grigio Blush	11.5	0.75	10	10	10	7.50	0.8625	8.5% to 22%	£28.50	£ 26.72		
		Corte Reale Cabernet Sauvignon	12.0	0.75	31	31	31	23.25	2.79	8.5% to 22%	£28.50	£ 82.83		
		Corte Reale Chardonnay	11.5	0.75	56	56	56	42.00	4.83	8.5% to 22%	£28.50	£ 149.63		
		Corte Reale Merlot	12.0	0.75	36	36	36	27.00	3.24	8.5% to 22%	£28.50	£ 96.19		
		Corte Reale Pinot Grigio Blush	11.5	0.75	43	43	43	32.25	3.70875	8.5% to 22%	£28.50	£ 114.89		
		Corte Reale Pinot Grigio White	11.5	0.75	44	44	44	33.00	3.795	8.5% to 22%	£28.50	£ 117.56		
		Corte Reale Sauvignon Blanc	11.5	0.75	81	81	81	60.75	6.98625	8.5% to 22%	£28.50	£ 216.42		
		Corte Reale Shiraz	12.0	0.75	34	34	34	25.50	3.06	8.5% to 22%	£28.50	£ 90.84		
		Corte Reale Cabernet Sauvignon	12.0	0.75	2	2	2	1.50	0.18	8.5% to 22%	£28.50	£ 5.34		
		McGuigan Black Label	12.5	0.75	8	8	8	6.00	0.75	8.5% to 22%	£28.50	£ 21.38		
		Millevini Blush	12.0	0.75	11	11	11	8.25	0.99	8.5% to 22%	£28.50	£ 29.39		
Terre D'Italia Chardonnay	12.0	0.75	13	13	13	9.75	1.17	8.5% to 22%	£28.50	£ 34.73				
Terre D'Italia Pinot Grigio	12.0	0.75	12	12	12	9.00	1.08	8.5% to 22%	£28.50	£ 32.06				
				0	392	392	294.00	34.41375		Total	£ 1,047.38			
Spirits	345	Krakoff Vodka	40.0	0.70	8	8	8	5.60	2.24	Stronger than 22%	£31.64	£ 70.87		
		Praznik Vodka	37.5	0.70	5	5	5	3.50	1.3125	Stronger than 22%	£31.64	£ 41.53		
		Shaman's Spirits Vodka	37.5	0.20	12	0	15	180	36.00	13.5	Stronger than 22%	£31.64	£ 427.14	
		Smartkoff Vodka	37.5	0.70	6	6	7	48	33.60	12.6	Stronger than 22%	£31.64	£ 398.66	
				22	19	193	78.70	29.6525		Total	£ 938.21			


Type	Tariff	Duty Due
Beer 3.5% to 8.5%	321	£682.00

OFFICIAL

Beer 8.5% to 22%	331	£1,064.00
Wine	333	£1,047.00
Spirits	345	£938.00
<b>Total Duty (Rounded Down)</b>		<b>£3,731.00</b>

**WITNESS STATEMENT**


Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B

Statement of: 

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


Occupation:

This statement (consisting of 4 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 an Illicit Tobacco officer employed by West Yorkshire Trading Standards Service (WYTSS). I am an authorised officer for the purposes of the Trade Marks Act 1994, the Tobacco and Related Products Regulations 2016, the Standardised Packaging of Tobacco Regulations 2015 and the Consumer Rights Act 2015.

Between 26/09/2017 and 24/05/2018, visits by Trading Standards to Potraviny Danko, 39 Compton Road, Leeds, LS9 7BJ resulted in 2 seizures of illegal cigarettes and rolling tobacco. Also during this period there was a total of 5 sales of illegal tobacco to Trading Standards test purchase officers. This store has an established history of involvement in the illegal tobacco trade.

NOTE : If statements are typed double spacing should be used. One side only of this paper should be used. (Signed)  Dated.....11/07/2023..... Page 1 of 4

To be completed if applicable: .....being unable to read the above statement I, .....of..... read it to him/her before he/she signed it. Signed ..... Dated.....





Continuation Statement of:



On 12/06/2023 a test purchase was conducted at Potraviny Danko and an illegal packet of Richmond cigarettes was purchased for £3.50. The cigarettes were obtained from a room at the rear of the store and brought to the sales counter to make the sale.

On 16/06/2023 an inspection was conducted at Potraviny Danko by HMRC and Trading Standards officers. A tobacco detection dog was also utilised who indicated on one of the walls in the toilet at the rear of the store. The wall was closely inspected and a concealment was identified behind the tiles in the wall. Entry was forced into the concealment and a substantial quantity of illegal cigarettes was seized from inside. The concealment was held shut by electromagnets and opened by the use of a remote control fob which was hidden in the store. A further amount of illegal rolling tobacco was also seized from a storage container at the rear of the store. Also seized was a substantial quantity of non duty paid alcohol by HMRC officers and 47 electronic disposable vapes by Trading Standards officers from behind the counter. The vapes were illegal as they contained more than the permitted amount of liquid for this item which is 2ml. British Gas revenue protection officers attended and inspected the electricity meter which was found to have been bypassed, the store was abstracting electricity. They notified Norther Powergrid who attended and disconnected the electricity supply, pending application for reconnection by the business owner.



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One side only of this paper should be used.

(Signed) .....

Dated.....11/07/2023..... Page 1 of 4

To be completed if applicable: .....being unable to read the above statement I, .....of..... read it to him/her before he/she signed it. Signed ..... Dated.....

Continuation Statement of: 


On 10/07/2023 another test purchase was conducted at Potraviny Danko and an illegal packet of Richmond cigarettes was purchased for £3.00. The cigarettes were obtained from a room at the rear of the store and brought to the sales counter to make the sale. This store has clearly continued to sell illegal cigarettes.

I visually examined the tobacco products that were purchased and seized from the store. I could see they 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 discrepancies in the packaging on some cigarettes and from the foreign excise stamps present on others it was clear to me the cigarettes were a mix of counterfeit and smuggled items

The normal price for a packet of Richmond cigarettes is around £12.00, around £8.00 of which is excise duty. This has clearly not been paid on the illegal cigarettes being sold by Potraviny Danko.

The sale of Counterfeit/Illicit Tobacco products is not a minor breach of Trading Regulations but is in fact Serious Organised Criminality. These items which cannot be legally sold in the UK are

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


(Signed) 

Dated..... Page 1 of 4

To be completed if applicable: .....being unable to read the above statement I, .....of....., read it to him/her before he/she signed it. Signed ..... Dated.....



Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B


Continuation Statement of: 

smuggled into the country on a vast scale. The Profits of this illegal trade going to criminals while the treasury is deprived of the Tax/Excise. The current yearly loss in revenue is in excess of £2.5 billion which in turn deprives public services of funding.

Smoking is the leading cause of preventable diseases in the UK and over half of long term smokers will die prematurely from smoking related diseases. Tobacco taxes are a proven strategy to reduce smoking and extend lives. The illegal, cheap sale of this product removes this incentive of helping people to quit and also makes cigarettes more affordable to children, making it more likely they will start.

The supply of illegal tobacco not only causes harm to people but also causes genuine businesses to lose income and potentially close. This damages local communities with reduced employment and the loss of essential services.

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

(Signed) ... 

Dated.....11/01/2020..... Page 1 of 4

To be completed if applicable: .....being unable to read the above statement I, .....of....., read it to him/her before he/she signed it. Signed ..... Dated.....

POTRAVINY DANKO

