

WITNESS STATEMENT

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

Statement of: Mark McCombe

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

Over 18

Occupation: Trading Standards Officer

This statement (consisting of 2 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: 27/11/2023

Signature: [REDACTED]

I am a Trading Standards Officer employed by West Yorkshire Trading Standards (WYTS). I am an authorised officer under the Food Safety Act 1990, Food Information Regulations 2014 and Food Safety and Hygiene (England) Regulations 2013 and the Trade Marks Act 1994.

On 2nd November 2023 I took part in a large operation in Harehills, Leeds, concerned with illicit tobacco.

At approximately 10:30am I visited **Biedronka Stores Ltd**, 225 Roundhay Road, Harehills, Leeds, LS8 4HS. The purpose of the visit was to carry out an inspection of the premises to identify any illicit tobacco and to conduct a general inspection of the premises including a routine food standards inspection. Upon entering, I introduced myself to the person behind the serving counter to the right of the front door and showed my ID card. I explained the purpose of my visit. The person gave his name as [REDACTED] and stated he was a Sales Assistant. Prior to carrying out any inspection I issued [REDACTED] with a Notice of Powers and Rights.

Signed:..... [REDACTED]

Dated 27/11/2023

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I was accompanied by Carmel Brennand, Senior Licensing Enforcement Officer with Leeds City Council and I continued to conduct my inspection.

During the inspection I examined several shelves at the service counter and discovered a bag hidden under the counter containing 15 packets of assorted rolling tobacco of various brands. In addition, I discovered a box under the counter containing packets of cigarettes. In total there were 132 packets of cigarettes which I recorded on a Record of Inspection form. All the tobacco products appeared to be non-compliant as the packets did not display the combined health warnings and/or were not in the required standardised packaging.

I duly inspected the stockroom at the back of store. No further illicit tobacco was found but I did notice two very large metal safe containers which I attempted to inspect. Both containers were locked. I asked [REDACTED] if he had a key. He replied that he did not.

A short while later a man who introduced himself as Mr Alan Amiri, owner attended the shop. I explained that I had discovered what appeared to be illicit tobacco and that I would be taking the items away as evidence. I asked Mr Amiri what was in the two metal containers. He stated that he did not know as he had never had a key for them – the containers being left by the previous business owner.

Signed..... [REDACTED]

Dated 27/11/2023

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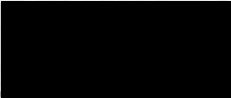
Statement of: Jason Lee BETHELL

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

Occupation: Illicit Tobacco officer

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: 24/11/2023

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.

The Premises that is Biedronka Polski Sklep, 225 Roundhay Road, Leeds, LS8 4HS is well known to West Yorkshire Trading Standards due to complaints being received about the sale of illegal tobacco.

On 24/11/2017 and 22/02/2018 Test Purchases were conducted at the store, illegal packets of cigarettes were purchased on both occasions at a fraction of their genuine, duty paid price.

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

(Signed) 

Dated.....24/11/2023..... 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.....



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**Criminal Procedure Rules, r 27.2
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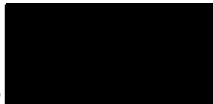
On 25/11/2017 and 05/03/2018 Inspection visits were conducted at the store. Substantial quantities of illegal counterfeit/illicit cigarettes and hand rolling tobacco were seized on both occasions. The business owner, Premises Licence Holder and Designated Premises Supervisor, Mr Alan Amiri, was present in the store. It was confirmed he knew the cigarettes and hand rolling tobacco were illegal and he was warned about continuing in their sale.

On 26/04/2018 a further visit was conducted at the store and quantities of counterfeit perfumes, cosmetics and condoms were seized.

On 24/10/2023 a test purchase was conducted at Biedronka Polski Sklep and an illegal packet of cigarettes was purchased for £4.00. This is well below the normal retail price of a genuine packet of cigarettes of over £12.00, around £8.00 of which would be excise duty that had clearly not been paid. The cigarettes were obtained from under the sales counter. The store had continued to sell illegal cigarettes.

On 02/11/2023 an inspection visit was conducted at Biedronka Polski Sklep by Trading Standards and Police officers. Mr Amiri was working at the store when it was visited. Illegal counterfeit/illicit cigarettes and hand rolling tobacco were seized from behind the counter. The total amount was 130 x 20 packets of cigarettes & 15 x 50g pouches of hand rolling tobacco

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Continuation Statement of: Jason Lee BETHELL

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 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 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

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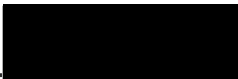
Continuation Statement of: Jason Lee BETHELL

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.

The owner and Licensee of this business has ignored a warning to stop trading in illicit goods. West Yorkshire Trading Standards therefore fully supports a review of its alcohol licence.

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