

APPENDIX 4

RESTRICTED (when complete)

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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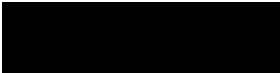
Statement of: Constable Barbara Ladna-Kaccouris

Age if under 18: Over 18

Occupation: Police officer

This statement 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:



Date: 03 May 2019

My name is Barbara LADNA-KACCOURIS and I am Police Officer working as Designated Ward Officer on Edgware Ward Harrow Borough since March 2018. I have been police officer since 2012 and DWO for the last six years on two different wards. During that time, I came across various community issues and I learnt that anti-social behaviour has the biggest impact on the residents and local businesses.

I am providing this statement to assist in the license review of CARNIPROD, Off License Shop at 181 BURNT OAK BROADWAY EDGWARE.

When I took on DWO role on Edgware Ward, it became apparent that BURNT OAK BROADWAY which is on the main road A5 leading to Brent Cross Shopping Centre and Central London, is very busy and diverse part of Edgware. There are various businesses, licensed premises, betting shops, charity shops, pharmacies, Poundland, Iceland and hospital. The area is suffering from Anti-Social Behaviour mainly due to street drinkers discarding empty alcohol bottles and cans everywhere including phone boxes, flowerbeds and resident's front gardens. Whilst drunk, they urinate on the street, back alleyways, and commit offences of shoplifting in the local shops. The most effected are ICELAND, POUNDLAND, DOSHI PHARMACY, ST LUKE HOSPICE and OXFAM charity shops but the list of the victims is longer. Police also have a record of recent business burglaries where during one night the suspects broken into three business premises.

Unfortunately, the drinkers have access for cheap alcohol sold illegally by some of the Off License shops on BURNT OAK BROADWAY and one of them is CARNIPROD.

On 8th March 2019, EDGWARE SNT officers together with TRADING STANDARDS, LICENSING OFFICERS and KINGDOM OFFICERS have organised DAY OF ACTION on BURNT OAK BROADWAY. Officers were tackling ASB issues and carried out license premises visits. KINGDOM OFFICERS have issued in a few hours issued 12 fines for littering, spitting and begging. Police officers arrested male for PWITS.

Licensing officers visited off license shops and found that CARNIPROD had in stock a smuggled cigarettes and wine stored in the water bottles. Trading Standards confiscated the items and the business is currently under investigation. This is not the first time CARNIPROD was caught selling non-duty paid goods.

On 29th March 2019, SNT and LICENSE OFFICERS arranged meeting with local businesses to discuss action plan on how to improve and bring the quality of life to the BURNT OAK BROADWAY. We all agreed that all parties should work together and be actively involved in tackling of ASB the problems.

Businesses, like CARNIPROD should take partial responsibility for current situation on BURNT OAK BROADWAY and trade according to their license.

Signature:



Signature Witnessed by:

RESTRICTED (when complete)

HS

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Gary NORTON PC 965QK**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: **3**..... 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 anything in it which I know to be false, or do not believe to be true.

Signature: Date:

This typed statement is my original evidential notes regarding a Premises Licensing visit, which was conducted at a convenience store: CARNIPROD, 181 BURNT OAK BROADWAY, EDGWARE, LONDON, HA8 5EH, on FRIDAY 8TH MARCH 2019. I was on duty in plain clothes, wearing my Metvest, Body Worn Video (BWV) and Personal Protection Kit & belt. I was in the company of PC Nicola McDONALD 2157NW and Trading Standards Officer (TSO), Andrew Faulkner. We had been conducting a series of visits to licensing premises in an Anti-Social Behaviour hotspot along the A5 corridor of Barnet/Harrow Boroughs. -----

As we made our way towards the premises of CARNIPROD, TSO Faulkner mentioned that on two previous premises visits he had seized illicit tobacco products, which resulted in prosecutions on both occasions. At 17:59hr, with my BWV switched on, we entered the premises. TSO Faulkner went in first and made us aware he had seen a box of tobacco being put behind the till area and had a closer look at it as he identified himself as Trading Standards. PC McDonald and I identified ourselves as police officers with our warrant cards. TSO Faulkner spoke with an IC1 boy who was wearing a school uniform standing at a rear doorway of the shop. I now know him to be [REDACTED] DUTA, [REDACTED]

[REDACTED] As PC McDONALD conversed with the lady working behind the till area, I joined TSO Faulkner at the rear of the shop. The doorway led into a storage area and out the back of the premises to a service alley. As we walked through with the 14 yr old schoolboy, he pointed out his father, who I now know to be Mr Iulian DUTA, [REDACTED]

of [REDACTED] TSO Faulkner re-introduced to him as Mr DUTA walked toward us from the service alley road. He had a wide-eyed expression and seemed somewhat shocked. He was difficult to engage in conversation as we tried to speak to him and walked into the store with us following him closely. Inside the premises TSO Faulkner said “Wheres it come from today? He’s just walked through the shop. You’ve just delivered it? Do you know it’s illegal to sell

Signature: Signature witnessed by:

Continuation of Statement of Gary NORTON PC 965QK.....

this?"

Mr DUTA nervously said "It's just that people is coming and one hours its gone." TSO Faulkner repeated "Do you know it's illegal to sell this? " Mr DUTA said "Illegal?" TSO Falukner said "I think you know. He just delivered this here" he indicated the counter till area by pointing at it "We are going to be seizing this now and I am going to ask you to come in for an interview under caution." He then said "I am going to bag this up. Do you have anymore on the premises as we will do a full search?" Mr DUTA said "No, just this." TSO Faulkner said "Was this for sale in the shop?" Mr DUTA hesitated and said "No its errrrr.....Something for him." TSO Faulkner said "Whose him?" Mr DUTA said "(unintelligible).....Errrrmm , I don't....errr...One guy....who come". TSO Faulkner said "I'll speak to you more about it in interview." As he seized the illicit packets of cigarettes, I went to speak to [REDACTED] DUTA and got his personal details. He gave me his name, address and school details and showed me his school identification card. I was with him for a few minutes and made polite conversation with him to ease his nerves. When I returned to the front of the shop I noticed Mr Iulian DUTA wasn't there. I said "Wheres he gone?" PC McDONALD said "He's done a runner." I said "Are you serious?" She said "Yeah, seriously, I said you might want to tell these lot to clear off whilst we were here and he stuck my head out to speak to the lady with the flowers and he did a runner." I walked back to speak to the schoolboy, [REDACTED] DUTA and asked for his fathers name and date of birth. As he told me, his father returned through the front door of the shop. PC McDONALD took some semblance of control over matters upon Mr DUTA's return and ascertained who the two IC1 females present in the shop were to the business. She asked for a copy of the premises and if the CCTV worked. Mr DUTA said it did but also said he wasn't sure how it worked. He couldn't use the CCTV hardware in the shop but went to get a mobile phone and accessed it from there. I asked Mr DUTA how long he had the shop and he said "2010". I said "How you had any previous issues with illegal sales of cigarettes or anything?" He said "Yeah." I explained that given the circumstances, Trading Standards would be requesting him to come in for interview about the illicit tobacco. He said "Okay." I explained involving his son in moving of the tobacco through the shop would need logging on Police records and why. TSO Faulkner explained that he suspected Mr DUTA was committing a criminal offence selling the illicit tobacco. He then had another look behind the serving counter and saw a plastic bag, which contained more of the illicit tobacco products previously seized. He noted they were in easy reach of the shop assistant sales position when they were behind the counter. As TSO FAULKNER completed his seizure and paperwork, I went to the store room at the back of the shop and took a closer look. I could see an empty bottle of BECKS

Signature: Signature witnessed by:

Continuation of Statement of **Gary NORTON PC 965QK**.....

as well as an empty tin of FOSTERS, which would suggest they were consumed inside the premises. On the floor in a number of cardboard boxes, there were a large number of clear plastic soft drink bottles, but they had odd coloured liquids within them. They also had initials written on them to differentiate what was inside. Some were deep purple red in colour, others a pale yellow straw colour. Essentially, it appeared to be red and white wine decanted into reused soft drink bottles. Mr DUTA joined me and I asked him if they contained wine and he said “Yes.” I said “Why does it have “T” on it for? Mr DUTA explained it was to tell him what type of wine it was. PC McDONALD said she had already asked him about the alcohol. Mr DUTA stated he sold the small 500ml bottles of white wine for £2. PC McDONALD stated that he could not make wine, or import wine and decant it to sell as it was illegal. I reiterated what PC McDONALD had said, that buying wine in from overseas, his “home” wine that he referred too, and avoiding customs tax etc was illegal. Mr DUTA didn’t deny anything put to him regarding our suspicions about the rebottled wine and just repeated “Sorry”, “Okay” or he would do it “No more”. We left the shop shortly afterwards. I exhibited two Body Worn Videos of the visit as exhibit numbers GLN/1 & GLN/2.-----

Signature: Signature witnessed by:

RESTRICTED – FOR POLICE AND PROSECUTION ONLY
(when completed)

Home address:

Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / ~~Female~~ (delete as applicable) Date and place of birth:

Former name: Height: Ethnicity Code:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No**. If 'No', include reason(s) on MG6. What can be done to ensure attendance?
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? **No**. If 'Yes' submit MG2 with file.
- c) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- c) I consent to police having access to my medical records in relation to this matter: Yes No N/A
- d) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable) Yes No N/A
- f) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness:

Statement taken by (print name):

Station:

Time and place statement taken:

Signature of witness:

From: Faulkner, Andrew [REDACTED]
Sent: 09 May 2019 09:29
To: license
Cc: Kirby.Beresford [REDACTED] Ash Waghela
Subject: RE: Application to review premises licence - Carniprod 181 Burnt Oak Broadway, Edgware, HA8 5EH

Hello

Please accept this as my representation in support of a proposed Premises Licence Review application for Carniprod 181 Burnt Oak Broadway, Edgware, HA8 5EH.

I am employed by the London Boroughs of Brent and Harrow Trading Standards Service as a Principal Enforcement Officer. I am authorised to enforce various statutes including the Tobacco and Related Products Regulations 2016.

On 8th March 2019, Licensing Police and I visited Carniprod where upon arrival a box of tobacco was found being placed behind the counter by the owner of the business, Mr Duta's, 14 year old son. 76 cigarette packs were seized in total. Mr Duta appeared from the rear entrance of the shop shortly after this whilst a van drove off. The cigarettes were labelled in a foreign language and as such I recognised that they failed to comply with the Tobacco & Related Products Regulations 2016 which require UK health warnings on tobacco products.

Whilst at the premises Licensing Officers also identified a number of plastic water bottles containing what Mr Duta said was wine and an empty foil bag which Mr Duta explained he had decanted the wine from, having imported it from Romania. Mr Duta stated that he sold the plastic bottles containing the wine to customers/friends. In addition to this, an unknown male was also seen drinking alcohol at the rear of the premises upon our arrival.

Based on my experience, duty on the above products has not been paid therefore, causing a loss in tax revenue, allowing the business to sell these at a cheaper price making it easier for children to afford to buy cigarettes and other tobacco products which encourages underage smoking it also undermines and damages legitimate local businesses as they are being undercut by businesses who chose to operate illegally by selling cheap illegal tobacco products that have no place in the British market.

The business has been prosecuted twice previously by us for the same infringements, in 2016 and 2017. Unfortunately the continued failure to comply with law leads me to believe that the business has no intention to trade legitimately. Given the above information, I believe Carniprod are a major contributor to crime, unfair business practices and anti-social behaviour in the Burnt Oak area and believe that revocation of their licence is needed to protect our residents from further criminal breaches.

Kind regards

Andrew Faulkner
Principal Enforcement Officer
Trading Standards
Regeneration and Environment
Brent and Harrow Council

[REDACTED]