

# Licensing Panel

## SUPPLEMENTAL AGENDA 2

**DATE: Tuesday 11 June 2019**

### AGENDA - PART I

5. **CARNIPROD, 181 BURNT OAK BROADWAY, EDGWARE, MIDDLESEX, HA8 5EH** (Pages 3 - 44)

Additional Information relating to the Report of the Corporate Director of Community.

### AGENDA - PART II - Nil

*Note: In accordance with the Local Government (Access to Information) Act 1985, the following agenda item has been admitted late to the agenda by virtue of the special circumstances and urgency detailed below:-*

Agenda item

5. Carniprod, 181 Burnt Oak Broadway, Edgware, Middlesex, HA8 5EH – Additional Documents

Special Circumstances/Grounds for Urgency

The documents at Supplemental Agenda and Supplemental Agenda 2 were not available at the time the agenda was printed and circulated because they were submitted after the publication of the Main Agenda. Members are requested to consider both the documents, as a matter of urgency, in order to allow them to make an informed decision.

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TRADING STANDARDS SERVICE

**Witness Statement**

(C.J.Act 1967 - S.9, M.C. Act 1980 – ss5A(3)(a) and 5B, M.C. Rules 1981 r.70)

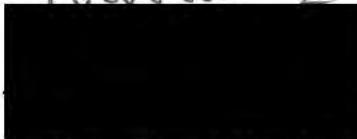
Statement of: Andrew Michael Faulkner

Age if under 18: Over 18

Occupation: Senior Enforcement Officer

This statement (consisting of 3 page(s) 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 21<sup>st</sup> November 2016

Signature .....  .....

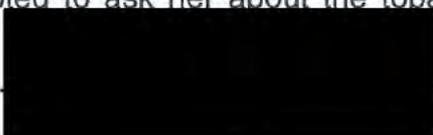
I am employed by the London Boroughs of Brent and Harrow Trading Standards Service as a Senior Enforcement Officer. I am authorised to enforce various statutes including the Consumer Protection Act 1987.

5 On 27th September 2016 I visited D&D Ro Ltd t/a Carniprod, 181 Burnt Oak Broadway, Edgware, HA8 5EH accompanied by Paul Hayward, Senior Enforcement Officer with this Service. The purpose of our visit was to check for compliance with various consumer protection law. Also in attendance were PC Bellantoni 183QA and PC Gogna 295QA.

10 We entered at approximately 10:10hrs and introduced ourselves to the female shop assistant who I now know to be Draghiceanu Luminita and I issued a Consumer Rights Act notice of powers document to her.

15 We inspected the premises and noticed she was stood on a large wooden platform behind the till. We asked her to step off it and on inspection found that there was a storage compartment on the underside of the platform which contained tubs of rolling tobacco labelled in a foreign language.

20 I issued a Police and Criminal Evidence Act 1984 (PACE) Code B Notice to Ms Luminita at 10:20hrs and attempted to ask her about the tobacco but it was clear that she couldn't

Signature .....  .....

E31 Sept 2003

Continuation of witness statement of : Andrew Faulkner

understand English. I looked around the till area and found a number of plastic bags hanging up. On closer inspection I found them to contain cigarette packs, again labelled in a foreign language. Some of the bags were duty free shopping bags. I took photos of the tobacco in situ and now produce three of the photos in evidence as **exhibit AMF/DR/1**.

25

PC Bellantoni seized the tobacco following my explanation of the labelling issues. In total the following tobacco was found and sealed into evidence bags as follows:

30

Bag 006344: 4 packs of white Kent, 11 blue Kent, 16 Winston, 9 Marlboro, 2 Marlboro tobacco pouches (140g each), 3 Camel tobacco pouches (190g).

A small quantity of cigarette packs were also discovered in the store room by Mr Hayward and seized by PC Ballantoni:

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Bag 006345: 7 packs of Vogue, 1 white Kent, 2 blue Kent, 1 Marlboro.

I spoke to the owner, Iulian Duta, over the phone whilst Mr Hayward completed an inspection summary. Mr Duta claimed not to know about the tobacco but as he also had a poor command of English the conversation did not last very long.

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A copy of the documentation I had completed and a receipt of the goods seized was left with Ms Luminita. After leaving the premises at approximately 10:55hrs, PC Ballantoni handed over sealed bags 006344 and 006345 to me and I booked these into our evidence store later that day.

45

On 24th October 2016, I booked out of our evidence store the two sealed bags in preparation for interview of Mr Duta in relation to the tobacco.

50

I broke open bag 006344 and photographed the various tobacco products. I then resealed the items in the bag with seal 006346. I now produce the photographs in evidence as **exhibit AMD/DR/2**.

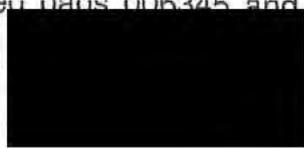
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.....  
E31 Sept 2003

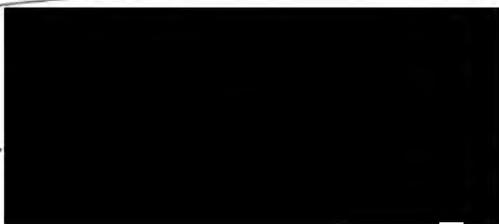
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not present on the packets. Instead there is wording in a foreign language. The sample's  
labelling is consistent with all packets seized from the shop and therefore none of them  
comply with the requirements of the Regulations.

65 I then carried out an formal interview of Mr Duta. The interview was under caution and  
under the provisions of PACE. Also in attendance were Mr Abdullahi and interpreter  
Angelica Pinte. The interview began at 11:13hrs, I cautioned Mr Duta at 11:21hrs and it  
concluded at 11:56hrs. The interview was recorded on to two CD-Rs simultaneously, one  
was sealed at the end of the interview and the other was used as a working copy to  
70 produce a transcript of the interview. I now produce the sealed CD in evidence as  
**AMF/DR/3** and a transcript of the interview I created as **AMF/DR/4**. After the interview I  
booked sealed bags 006345 and 006346 into our evidence store along with the sealed  
interview CD.



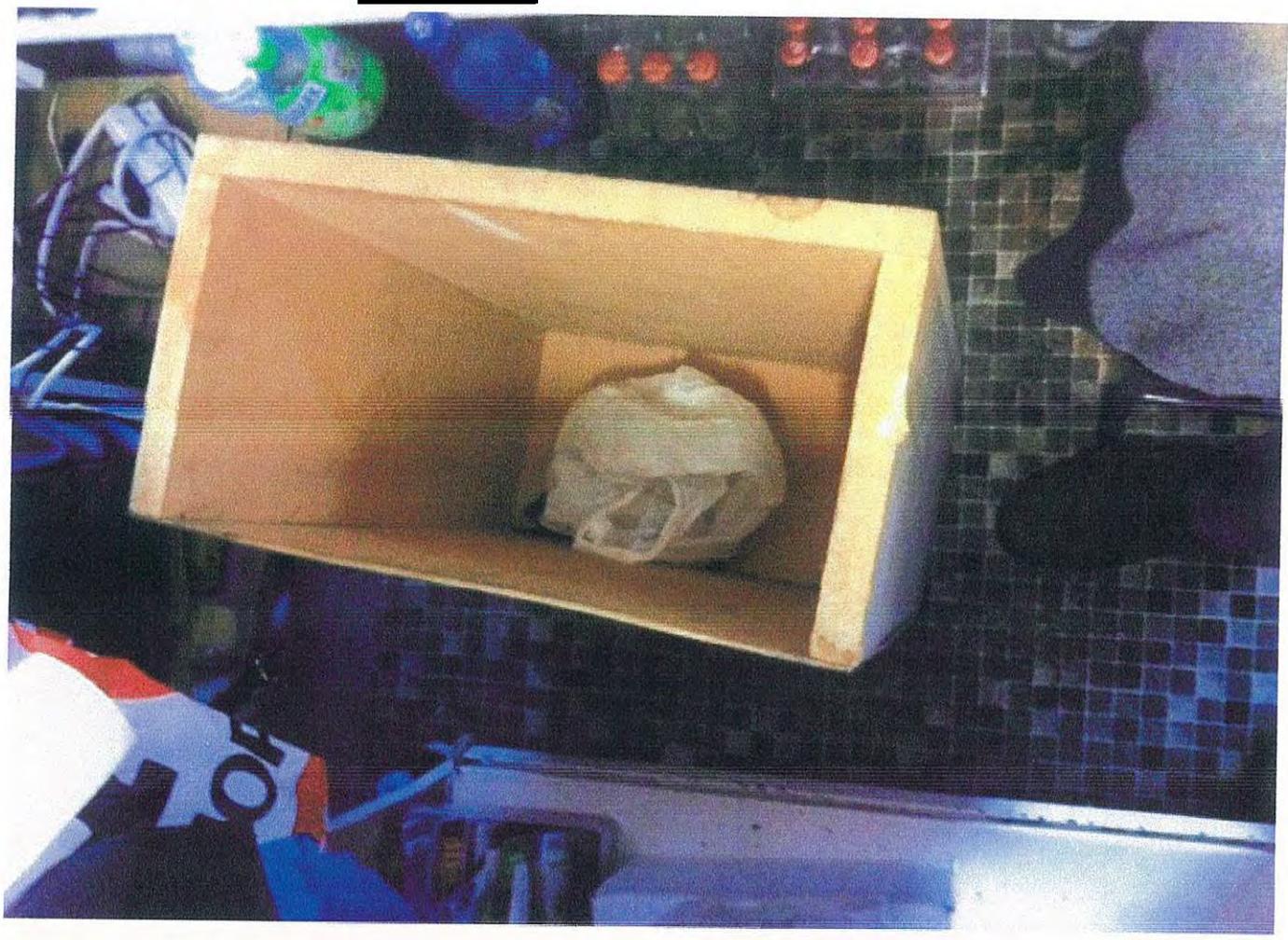
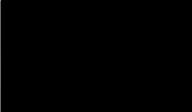
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Signature .....



E31 Sept 2003

Amf/DR/1





AMX/DK/2













LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

RECORD OF TAPE RECORDED INTERVIEW

Page: 1

Person Interviewed: Iulian Duta (ID)  
Place of Interview: Brent Civic Centre, Engineers Way, Wembley  
Date of Interview: 24<sup>th</sup> October 2016  
Commenced: 11:13am  
Ended: 11:56am  
Interviewing Officer(s): Andrew Faulkner, Senior Enforcement Officer (AMF)  
Samuel Abdullahi, Team Leader (SA)  
Other Persons Present: Angelica Pinte, Romanian Interpreter  
Officer Preparing Record: Andrew Faulkner

Signature:



Tape Ref No:  
AMF/RO/PACE

Exhibit Number

AMF/DR/4

No. of Pages:  
5

TAPE  
TIMES

0:00 All persons present introduce themselves.

Mr Duta confirms his home address as [REDACTED] and his date and place of birth as [REDACTED] in Romania. He confirms the full name of the company as D&D Ro Ltd, the registered office as his home address and that he is sole director and authorised to speak on behalf of the company.

03:40 AMF I'm just going to explain the reasons for the interview today. On 27<sup>th</sup> September 2016 Trading Standards assisted by Police entered your trading address of Carniproduct, 181 Burnt Oak Broadway, Edgware, HA8 5EH, during this tobacco was found under a wooden platform in the till area of the shop on which the shop assistant was standing. Further tobacco was also found within plastic bags near the till.

The packaging of the cigarettes did not display English health warnings and as a result of where they were found, it is believed that they were being offered for supply to customers. Further similar tobacco was found in the storage room.

Signed:



E30 Jan 09

LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Iulian Duta

Page: 2

In view of the above, criminal offences may have been committed by both you as a Director and the Company, under the Tobacco & Related Products Regulations 2016 and the Consumer Protection Act 1987 due to breaches of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002.

08:00 AMF As a result, I am now going to caution you, both as Director and representative of the limited company, D&D Ro Ltd. The time is 11:21. I must caution you that 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. Do you understand the caution?

ID Yes.

Mr Duta confirms that he has only one shop, being 181 Burnt Oak Broadway.

Mr Faulkner explains that Mr Duta is entitled to legal advice and doesn't have a solicitor present with him. Mr Duta confirms he is happy to continue the interview. Mr Faulkner explains that Mr Duta is not under arrest and may leave at any time.

Mr Duta confirms the answers he gave prior to caution were given correctly.

Mr Duta states that he has been trading since 2011 and has always been Director. He confirms that he is responsible for the day to day running of the shop and that he has two members of staff, both of which are shop assistants.

AMF Is one of them, Draghiceanu Luminita?

ID Yes.

Mr Duta explains that one member of staff, Ms Luminita, covers the morning shift at the shop. He says that he then works there between 12 – 5pm and then his other assistant takes over.

Mr Duta confirms that the shop is an off-licence and that the Designated Premise Supervisor is Craciunescu Monica.

18:00 Mr Faulkner produces sealed bag 006346, containing tobacco taken from around the counter. He explains that some of it was found under the platform Ms Luminita stood on and the plastic bags were found hanging by the till.

Signed:



LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Iulian Duta

Page: 3

Mr Faulkner produces three photographs exhibited as AMF/DR/1, showing where the tobacco was found. He explains that the tobacco doesn't have any English health warnings and they appear to be duty free cigarettes, which are illegal to sell. He states that there are various brands including Kent, Marlboro, Camel and Vogue.

AMF Can you explain to me what they are doing here?

ID Luminita told me that "I got some cigarettes because me and my husband stopped smoking so I decided to bring them to the shop to give to customers". But not I can see that she is lying to me because I can see a lot of cigarettes there and I didn't know about them.

Mr Duta confirms that he received a letter from Harrow council that they would check the shop on 27<sup>th</sup> September. He explains that he was not worried about anything but when they came they found the cigarettes. He says that he was only told by Luminita about the cigarettes after the council had found them.

23:20 Mr Faulkner produces exhibit AMF/DR/2, being a number of photographs of the tobacco seized.

AMF Do you agree that they don't contain English health warnings?

ID Yes.

AMF Can you tell me what language the warning labels are in?

ID Romanian.

Mr Faulkner explains that on 9<sup>th</sup> September, three weeks earlier, Mr Duta was prosecuted and fined for the same thing.

AMF Why are we again finding these in your shop?

ID Because I was checking up when I was in the shop but after I was leaving the shop, the girls bring back the cigarettes to sell.

AMF You said girls, you think both of them are?

ID I think just the one in the morning was bringing cigarettes and sell them.

SA This is the third time that we have found illegal cigarettes from your business. And each time you said you do not know about these products.

Signed:



LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Iulian Duta

Page: 4

ID Yes, I didn't know.

SA What instructions do you give your workers?

ID I'm going to check more often to see what is happening in the shop.

Mr Duta says that he has told his staff that they are not allowed to sell any cigarettes because it had been happening before and it is illegal. And she said to me, yes sure, I'm not going to do this.

Mr Faulkner produces sealed bag 006345, containing further cigarettes found in the store room of the shop.

AMF What have you got to say about that?

ID I didn't know about this. I'm sure they are hiding but I didn't find them.

AMF Don't you think it's a bit strange that they would store them both by the till and out in the store room?

30:15 ID Yes, I think it's strange. When she came to work she had just her handbag with her. I'm thinking that she had another person bringing the cigarettes after I was leaving the shop.

Mr Duta says that he has been checking his shop for cigarettes every day and not found any cigarettes. He says he did not realise the quantities until today.

Mr Faulkner says that he doesn't believe that she started selling them the day they visited, if Mr Duta's story was to be believed. And that therefore either she was storing them there and he had failed to check and find them or she was removing them each day, but there was too much tobacco for her to walk out with every day.

Mr Duta says that he believes that someone must have been dropping them off and picking them up before he started his shift.

AMF Have you looked back at your CCTV?

ID Yes

AMF And what did it show.

ID I don't see nothing clear.

AMF Have you looked back on the 27<sup>th</sup> September?

Signed:



LONDON BOROUGH OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Iulian Duta

Page: 5

- ID Yes I was checking on the 27<sup>th</sup>.
- AMF And did you see anyone bring in tobacco?
- ID I'm not sure because a lot of stuff is coming.
- AMF Did you see anyone that you believe brought this tobacco into the shop on the day?
- ID No I can't decide if someone particularly was.
- Mr Duta confirms that he did work on 27<sup>th</sup> September from 12pm.
- SA Do you believe that you have control of your business?
- ID Yes.
- SA Are you sure?
- ID After what happened, I can say, not very well.

Mr Abdullahi asks about the platform where they found cigarettes and Mr Duta confirms that he made it himself for a previous assistant who was short.

Mr Duta confirms that he does sell legal cigarettes and that these are bought from Damecha Cash and Carry.

Mr Faulkner says that when they visited, Ms Luminita spoke no English. He asks whether she was able to challenge for ID to underage customers.

Mr Duta says that he has instructed her how to. He adds that she longer works at the shop as he has fired her.

Mr Faulkner explains that he hasn't any further questions and offers Mr Duta an opportunity to add or clarify anything he has said.

Mr Duta says he would like to know how many cigarettes were taken and Mr Faulkner explains that he did leave a receipt at the shop and that he will provide him with another copy after the interview.

42:30

Mr Faulkner provides a notice explaining how Mr Duta can obtain a copy of the interview recordings and says that a report will be submitted and that he may be prosecuted. Interview concluded at 11:56am.

Signed:



### Witness Statement

(C.J.Act 1967 - S.9, M.C. Act 1980 – ss5A(3)(a) and 5B, M.C. Rules 1981 r.70)

Statement of: Paul Hayward

Age if under 18: Over 18

Occupation: Trading Standards Senior Enforcement

This statement (consisting of 2 page(s) 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 22<sup>nd</sup> November 2016

Signature  .....

I am employed by the London Boroughs of Brent and Harrow Trading Standards Service as a Senior Enforcement Officer. My duties include enforcement of a number of Acts of Parliament and Regulations including the Trade Marks Act 1994; the Consumer Protection Act 1987 and its subordinate legislation.

5

On the 27<sup>th</sup> September 2016 at 10:10 I accompanied Andrew Faulkner, Senior Enforcement Officer with Brent and Harrow Trading Standards Service, on a visit to D & D Ro Limited, trading as Carniprod / Magazin Romanesc, 181 Burnt Oak Broadway, Edgware, HA8 5EH.

10

We were taking Part in a Harrow Council Day of Action in the Burnt Oak area conducting routine visits to businesses and we were being assisted by two police officers, 183QA, PC Bellantoni and 295QA, PC Gogna. These details were recorded onto a Consumer Rights Act notice of entry which was completed once we had introduced ourselves to the person serving in the shop. I noticed that lying by the cash register there was a letter sent by me,

Signature .....  .....

E31 Sept 2003

Continuation of witness statement of :Paul Hayward

15 giving the business 48 hours advance notice that we would be visiting, it had not been opened.

The lady working in the shop said she spoke no English, we tried to explain that we were going to conduct an inspection of the shop. Mr Faulkner started looking behind the counter  
20 ~~and he looked at a step which the shop worker had been standing on.~~ I knew from a previous visit that this was a hollow step. Mr Faulkner discovered that there were foreign tobacco products inside the step, they were removed and placed on the counter. There were cigarettes and tubs of loose tobacco.

25 The back rooms were then searched by me with a police officer and more foreign cigarettes were discovered in a Celebrations sweets tub, these were brought to the front of the shop and placed with the other foreign tobacco products. While in the back room I saw that there were medicines, which I suspected were controlled and should only be available on prescription. I photographed them in the drawers where they were stored.

30 The Tobacco products were seized by the police officers and I recorded the goods being seized onto receipt PH/0064 which was signed by Mr Faulkner, the shop worker did not wish to sign so it was left and marked as unsigned. The Consumer Rights Notice was completed at 10:55 and we left the premise taking the seized goods with us.

35 Using my work iPhone I took a total of 11 pictures during our inspection of D & D Ro Limited; when I returned to Brent Civic Centre, I copied the images from D & D Ro Limited into my folder on the Brent server. I printed two of the pictures and produce them as exhibits PH/DD/1 and PH/DD/2. One shows the tobacco on the counter in the shop, the other shows

Signature .....



E31 Sept 2003

Continuation of witness statement of :Paul Hayward

40 Celebrations tubs on the shelf in the back store room where they were found. Tobacco products were found in one of these tubs during the search of the back store room. [REDACTED]

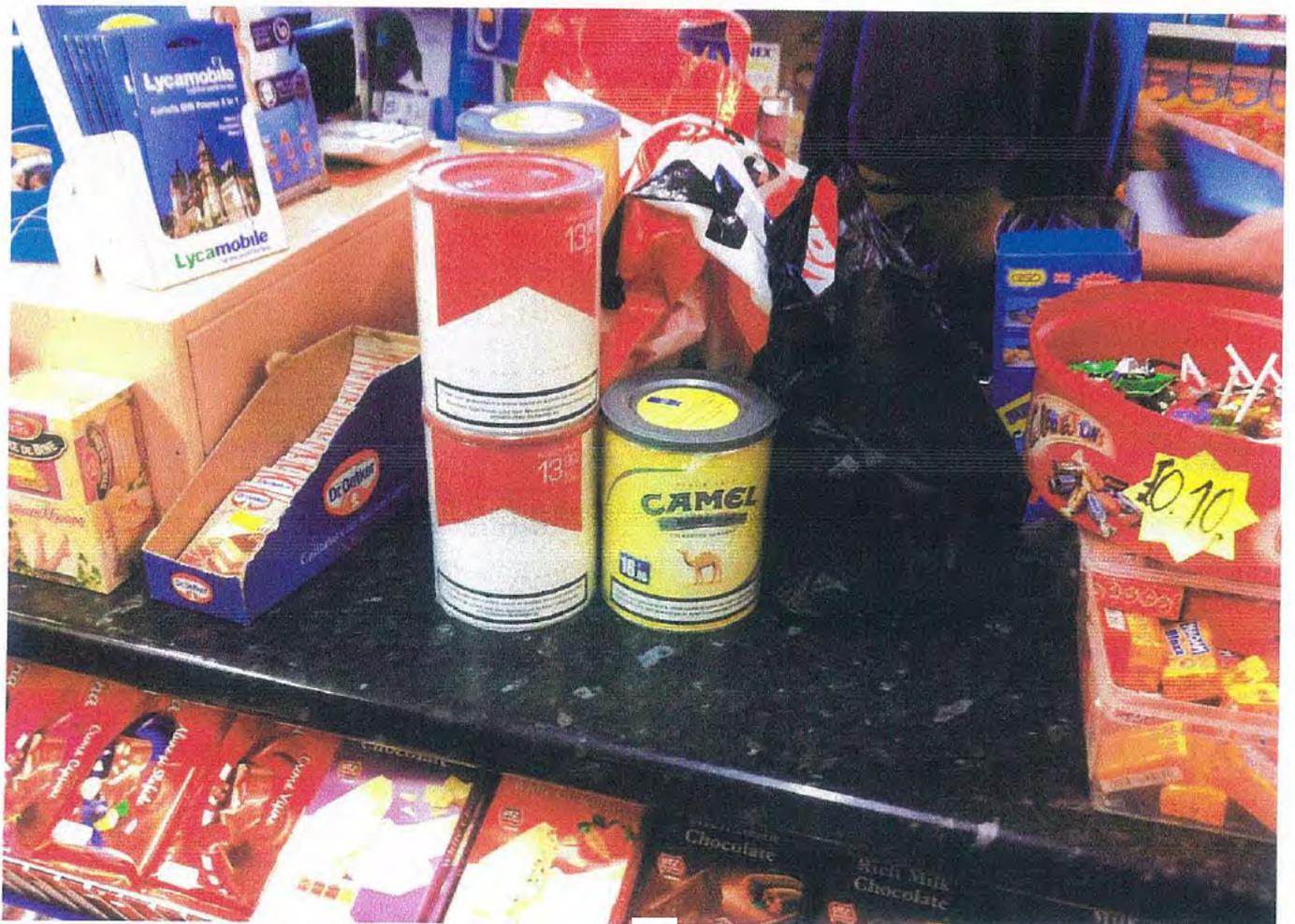
[REDACTED]

Signature .....

[REDACTED]

E31 Sept 2003

PH / DD | 1



PH / DD | 2

### 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 **PC PARI BELLANTONI** ..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer P240360** .....

This statement (consisting of 1 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:

[Redacted Signature]

Date:

28/10/16

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

On TUESDAY the 27<sup>th</sup> of SEPTEMBER 2016, I was on a secure streets aid, supervised by APS FRETWELL in Edgware. As part of the aid I was assisting trading standards conduct compliance checks at D&D Ro Ltd, 181 Burnt Oak Broadway, HARROW. Whilst at the location, I seized two bags of tobacco under section 19 of PACE in relation to the offence of section 48 of the tobacco and relevant products regulation act 2016. Both bags were exhibited as PAB/1 and PAB/2.

PAB/1 – bag No. 006344 – 4 packs of White Kent, 11 Blue Kent, 16 Winston, 9 Marlboro, 2 Marlboro tobacco pouches (140g each), 3 Camel tobacco pouches (190g).

PAB/2 – bag No. 006345 – 7 packs of Vogue, 1 White Kent, 2 Blue Kent, 1 Marlboro.

Both exhibits have been passed to trading standards for investigation.

[Redacted]

Signature:

[Redacted Signature]

Signature witnessed by: .....

### Witness Statement

(C.J.Act 1967 - S.9, M.C. Act 1980 – ss5A(3)(a) and 5B, M.C. Rules 1981 r.70)

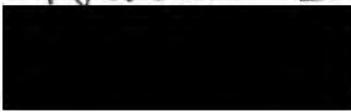
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E31 Sept 2003

Continuation of witness statement of : Andrew Faulkner

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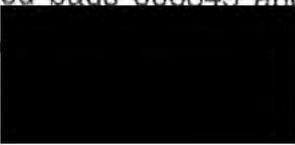
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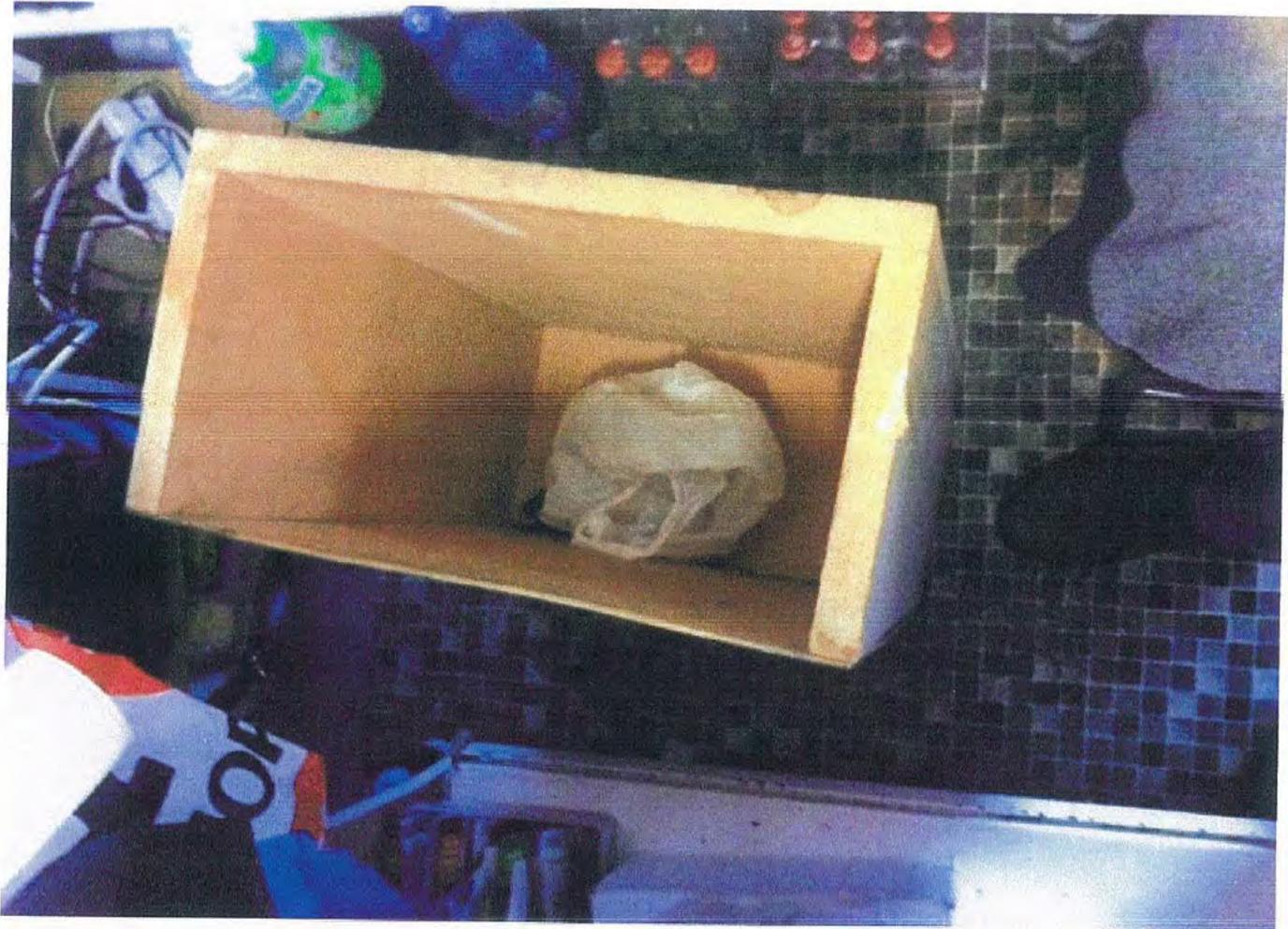
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Signature .....



E31 Sept 2003

Amf/DR/1

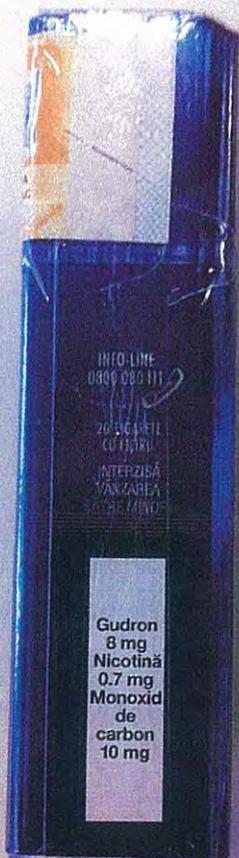




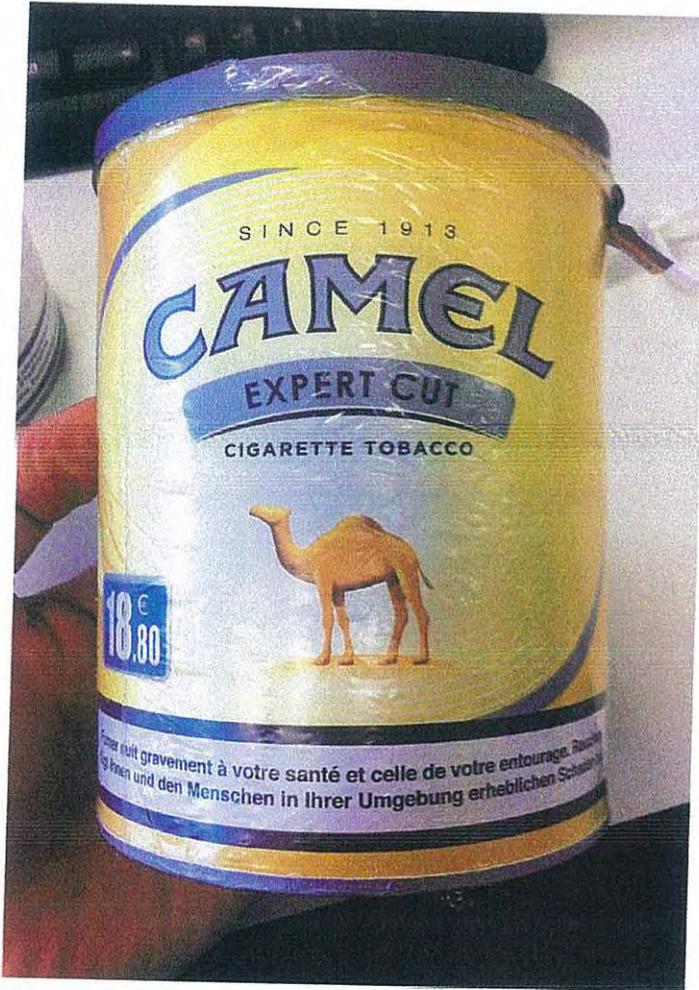












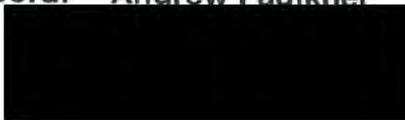
LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

RECORD OF TAPE RECORDED INTERVIEW

Page: 1

Person Interviewed: Iulian Duta (ID)  
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Date of Interview: 24<sup>th</sup> October 2016  
Commenced: 11:13am  
Ended: 11:56am  
Interviewing Officer(s): Andrew Faulkner, Senior Enforcement Officer (AMF)  
Samuel Abdullahi, Team Leader (SA)  
Other Persons Present: Angelica Pinte, Romanian Interpreter  
Officer Preparing Record: Andrew Faulkner

Signature:



Tape Ref No:  
AMF/RO/PACE

Exhibit Number

AMF/DR/84

No. of Pages:  
5

TAPE  
TIMES

0:00 All persons present introduce themselves.

Mr Duta confirms his home address as [REDACTED] and his date and place of birth as [REDACTED] in Romania. He confirms the full name of the company as D&D Ro Ltd, the registered office as his home address and that he is sole director and authorised to speak on behalf of the company.

03:40 AMF I'm just going to explain the reasons for the interview today. On 27<sup>th</sup> September 2016 Trading Standards assisted by Police entered your trading address of Carniproduct, 181 Burnt Oak Broadway, Edgware, HA8 5EH, during this tobacco was found under a wooden platform in the till area of the shop on which the shop assistant was standing. Further tobacco was also found within plastic bags near the till.

The packaging of the cigarettes did not display English health warnings and as a result of where they were found, it is believed that they were being offered for supply to customers. Further similar tobacco was found in the storage room.

Signed:



E30 Jan 09

LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Iulian Duta

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In view of the above, criminal offences may have been committed by both you as a Director and the Company, under the Tobacco & Related Products Regulations 2016 and the Consumer Protection Act 1987 due to breaches of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002.

08:00 AMF As a result, I am now going to caution you, both as Director and representative of the limited company, D&D Ro Ltd. The time is 11:21. I must caution you that 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. Do you understand the caution?

ID Yes.

Mr Duta confirms that he has only one shop, being 181 Burnt Oak Broadway.

Mr Faulkner explains that Mr Duta is entitled to legal advice and doesn't have a solicitor present with him. Mr Duta confirms he is happy to continue the interview. Mr Faulkner explains that Mr Duta is not under arrest and may leave at any time.

Mr Duta confirms the answers he gave prior to caution were given correctly.

Mr Duta states that he has been trading since 2011 and has always been Director. He confirms that he is responsible for the day to day running of the shop and that he has two members of staff, both of which are shop assistants.

AMF Is one of them, Draghiceanu Luminita?

ID Yes.

Mr Duta explains that one member of staff, Ms Luminita, covers the morning shift at the shop. He says that he then works there between 12 – 5pm and then his other assistant takes over.

Mr Duta confirms that the shop is an off-licence and that the Designated Premise Supervisor is Craciunescu Monica.

18:00 Mr Faulkner produces sealed bag 006346, containing tobacco taken from around the counter. He explains that some of it was found under the platform Ms Luminita stood on and the plastic bags were found hanging by the till.

Signed:



LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Iulian Duta

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Mr Faulkner produces three photographs exhibited as AMF/DR/1, showing where the tobacco was found. He explains that the tobacco doesn't have any English health warnings and they appear to be duty free cigarettes, which are illegal to sell. He states that there are various brands including Kent, Marlboro, Camel and Vogue.

AMF Can you explain to me what they are doing here?

ID Luminita told me that "I got some cigarettes because me and my husband stopped smoking so I decided to bring them to the shop to give to customers". But not I can see that she is lying to me because I can see a lot of cigarettes there and I didn't know about them.

Mr Duta confirms that he received a letter from Harrow council that they would check the shop on 27<sup>th</sup> September. He explains that he was not worried about anything but when they came they found the cigarettes. He says that he was only told by Luminita about the cigarettes after the council had found them.

23:20 Mr Faulkner produces exhibit AMF/DR/2, being a number of photographs of the tobacco seized.

AMF Do you agree that they don't contain English health warnings?

ID Yes.

AMF Can you tell me what language the warning labels are in?

ID Romanian.

Mr Faulkner explains that on 9<sup>th</sup> September, three weeks earlier, Mr Duta was prosecuted and fined for the same thing.

AMF Why are we again finding these in your shop?

ID Because I was checking up when I was in the shop but after I was leaving the shop, the girls bring back the cigarettes to sell.

AMF You said girls, you think both of them are?

ID I think just the one in the morning was bringing cigarettes and sell them.

SA This is the third time that we have found illegal cigarettes from your business. And each time you said you do not know about these products.

Signed:



LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Iulian Duta

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ID Yes, I didn't know.

SA What instructions do you give your workers?

ID I'm going to check more often to see what is happening in the shop.

Mr Duta says that he has told his staff that they are not allowed to sell any cigarettes because it had been happening before and it is illegal. And she said to me, yes sure, I'm not going to do this.

Mr Faulkner produces sealed bag 006345, containing further cigarettes found in the store room of the shop.

AMF What have you got to say about that?

ID I didn't know about this. I'm sure they are hiding but I didn't find them.

AMF Don't you think it's a bit strange that they would store them both by the till and out in the store room?

30:15 ID Yes, I think it's strange. When she came to work she had just her handbag with her. I'm thinking that she had another person bringing the cigarettes after I was leaving the shop.

Mr Duta says that he has been checking his shop for cigarettes every day and not found any cigarettes. He says he did not realise the quantities until today.

Mr Faulkner says that he doesn't believe that she started selling them the day they visited, if Mr Duta's story was to be believed. And that therefore either she was storing them there and he had failed to check and find them or she was removing them each day, but there was too much tobacco for her to walk out with every day.

Mr Duta says that he believes that someone must have been dropping them off and picking them up before he started his shift.

AMF Have you looked back at your CCTV?

ID Yes

AMF And what did it show.

ID I don't see nothing clear.

AMF Have you looked back on the 27<sup>th</sup> September?

Signed:



LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Iulian Duta

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ID Yes I was checking on the 27<sup>th</sup>.

AMF And did you see anyone bring in tobacco?

ID I'm not sure because a lot of stuff is coming.

AMF Did you see anyone that you believe brought this tobacco into the shop on the day?

ID No I can't decide if someone particularly was.

Mr Duta confirms that he did work on 27<sup>th</sup> September from 12pm.

SA Do you believe that you have control of your business?

ID Yes.

SA Are you sure?

ID After what happened, I can say, not very well.

Mr Abdullahi asks about the platform where they found cigarettes and Mr Duta confirms that he made it himself for a previous assistant who was short.

Mr Duta confirms that he does sell legal cigarettes and that these are bought from Damecha Cash and Carry.

Mr Faulkner says that when they visited, Ms Luminita spoke no English. He asks whether she was able to challenge for ID to underage customers.

Mr Duta says that he has instructed her how to. He adds that she longer works at the shop as he has fired her.

Mr Faulkner explains that he hasn't any further questions and offers Mr Duta an opportunity to add or clarify anything he has said.

Mr Duta says he would like to know how many cigarettes were taken and Mr Faulkner explains that he did leave a receipt at the shop and that he will provide him with another copy after the interview.

42:30

Mr Faulkner provides a notice explaining how Mr Duta can obtain a copy of the interview recordings and says that a report will be submitted and that he may be prosecuted. Interview concluded at 11:56am.

Signed:



### Witness Statement

(C.J.Act 1967 - S.9, M.C. Act 1980 – ss5A(3)(a) and 5B, M.C. Rules 1981 r.70)

Statement of: Paul Hayward  
Age if under 18: Over 18  
Occupation: Trading Standards Senior Enforcement

This statement (consisting of 2 page(s) 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 22<sup>nd</sup> November 2016

Signature  .....

I am employed by the London Boroughs of Brent and Harrow Trading Standards Service as a Senior Enforcement Officer. My duties include enforcement of a number of Acts of Parliament and Regulations including the Trade Marks Act 1994; the Consumer Protection Act 1987 and its subordinate legislation.

5

On the 27<sup>th</sup> September 2016 at 10:10 I accompanied Andrew Faulkner, Senior Enforcement Officer with Brent and Harrow Trading Standards Service, on a visit to D & D Ro Limited, trading as Carniprod / Magazin Romanesc, 181 Burnt Oak Broadway, Edgware, HA8 5EH.

10

We were taking Part in a Harrow Council Day of Action in the Burnt Oak area conducting routine visits to businesses and we were being assisted by two police officers, 183QA, PC Bellantoni and 295QA, PC Gogna. These details were recorded onto a Consumer Rights Act notice of entry which was completed once we had introduced ourselves to the person serving in the shop. I noticed that lying by the cash register there was a letter sent by me,

Signature .....  .....

E31 Sept 2003

Continuation of witness statement of :Paul Hayward

15 giving the business 48 hours advance notice that we would be visiting, it had not been opened.

The lady working in the shop said she spoke no English, we tried to explain that we were going to conduct an inspection of the shop. Mr Faulkner started looking behind the counter  
20 ~~and he looked at a step which the shop worker had been standing on.~~ I knew from a previous visit that this was a hollow step. Mr Faulkner discovered that there were foreign tobacco products inside the step, they were removed and placed on the counter. There were cigarettes and tubs of loose tobacco.

25 The back rooms were then searched by me with a police officer and more foreign cigarettes were discovered in a Celebrations sweets tub, these were brought to the front of the shop and placed with the other foreign tobacco products. While in the back room I saw that there were medicines, which I suspected were controlled and should only be available on prescription. I photographed them in the drawers where they were stored.

30 The Tobacco products were seized by the police officers and I recorded the goods being seized onto receipt PH/0064 which was signed by Mr Faulkner, the shop worker did not wish to sign so it was left and marked as unsigned. The Consumer Rights Notice was completed at 10:55 and we left the premise taking the seized goods with us.

35 Using my work iPhone I took a total of 11 pictures during our inspection of D & D Ro Limited; when I returned to Brent Civic Centre, I copied the images from D & D Ro Limited into my folder on the Brent server. I printed two of the pictures and produce them as exhibits PH/DD/1 and PH/DD/2. One shows the tobacco on the counter in the shop, the other shows

Signature .....



E31 Sept 2003

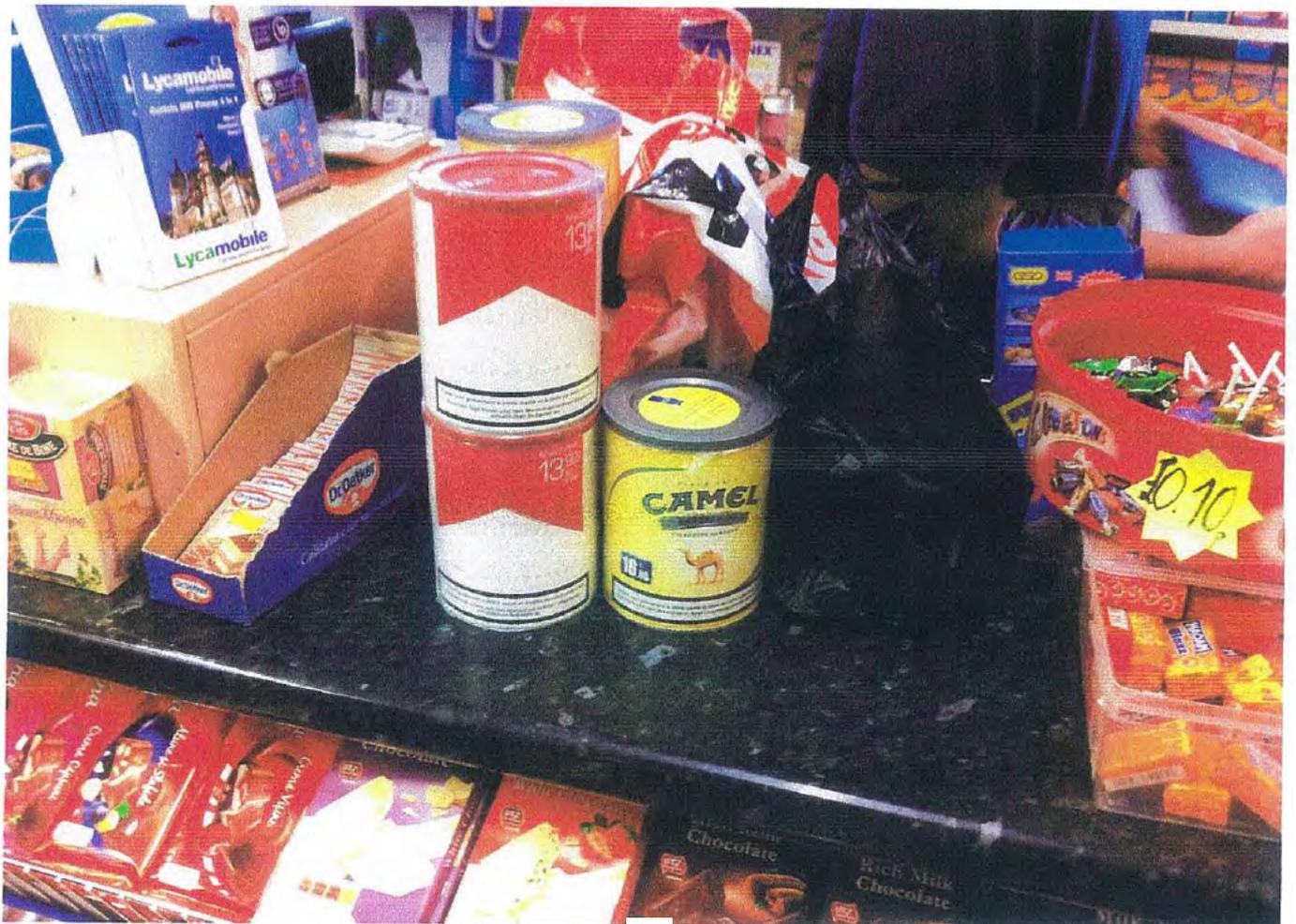
Continuation of witness statement of :Paul Hayward

40 Celebrations tubs on the shelf in the back store room where they were found. Tobacco products were found in one of these tubs during the search of the back store room. [REDACTED]

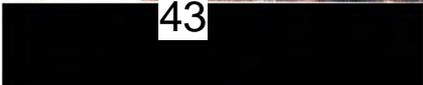
Signature ...

E31 Sept 2003

PH/DD/1



PH/DD/2



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 PC PARI BELLANTONI ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18 ..... (if over 18 insert 'over 18') Occupation: Police Officer P240360 .....

This statement (consisting of 1 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:

[Redacted Signature]

Date:

28/10/16

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

On TUESDAY the 27<sup>th</sup> of SEPTEMBER 2016, I was on a secure streets aid, supervised by APS FRETWELL in Edgware. As part of the aid I was assisting trading standards conduct compliance checks at D&D Ro Ltd, 181 Burnt Oak Broadway, HARROW. Whilst at the location, I seized two bags of tobacco under section 19 of PACE in relation to the offence of section 48 of the tobacco and relevant products regulation act 2016. Both bags were exhibited as PAB/1 and PAB/2.

PAB/1 – bag No. 006344 – 4 packs of White Kent, 11 Blue Kent, 16 Winston, 9 Marlboro, 2 Marlboro tobacco pouches (140g each), 3 Camel tobacco pouches (190g).

PAB/2 – bag No. 006345 – 7 packs of Vogue, 1 White Kent, 2 Blue Kent, 1 Marlboro.

Both exhibits have been passed to trading standards for investigation.

[Redacted Signature]

F.A

Signature

[Redacted Signature]

Signature witnessed by: .....