

Gloucester City Council

Meeting:	Licensing Sub-Committee		
Date:	13 January 2020		
Subject:	Application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 for Czech and Slovak Store, 171 Barton Street, Gloucester, GL1 4HT		
Report Of:	Head of Place		
Wards Affected:	Barton and Tredworth		
Contact Officer:	Chris Butler – City Centre Improvement Officer		
	Email: chris.butler@Gloucester.gov.uk	Tel: 396308	
Appendices:	1. Premises Licence		
	2. Application for review from Gloucestershire Constabulary		
	3. Additional information from Gloucestershire Constabulary and Gloucestershire Trading Standards		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 For members to consider an application to review an existing Premises Licence in respect of Czech and Slovak Store, 171 Barton Street, Gloucester, GL1 4HT.

2.0 Recommendations

- 2.1 That the Licensing Sub-Committee considers and determines the review application and takes such steps as it considers appropriate for the promotion of the Licensing Objectives.

3.0 Background

- 3.1 The Czech and Slovak Store currently benefits from a Premises Licence issued under the Licensing Act 2003. A copy of the current licence can be seen attached as **Appendix 1**. The licence outlines the current licensable activities along with the current conditions.
- 3.2 Section 51 of the Licensing Act 2003 states that where a Premises Licence has effect, 'Other Persons' or a 'Responsible Authority' may apply to the relevant Licensing Authority for a review of that licence.

- 3.3 In respect of an application from a Responsible Authority, the Licensing Authority may only reject the application if the grounds are not relevant to one or more of the Licensing Objectives.

4.0 The Application

- 4.1 On 26 November 2019, the Licensing Authority received an application from Gloucestershire Constabulary to review an existing Premises Licence at The Czech and Slovak Store, 171 Barton Street, Gloucester, GL1 4HT. A copy of the review application plus supporting documentation submitted by the police is attached as **Appendix 2**.
- 4.2 It can be confirmed that the review application has been served on all Responsible Authorities. In addition, the application was advertised on Gloucester City Council's website and a Public Notice of the review was displayed at the premises for a period of 28 consecutive days.
- 4.3 The review application states that the following Licensing Objectives have been undermined:
- The Prevention of Crime and Disorder,
 - Promotion of Public Safety, and
 - Protection of Children from Harm.
- 4.4 The review application has been completed by PC 1156 Hammond, a police licensing officer, on behalf of Gloucestershire Constabulary and details an incident on 30 October last where an allegation of assault had been made against the owner of the store.
- 4.5 In response to this PC Hammond attended the premises on 4 November 2019 and found the CCTV system that was installed at the premises had no hard drive or recording capability and that there were no external cameras as required on the premises licence.
- 4.6 Later in the afternoon of 4th November 2019 a further incident involving disorder took place and this was linked to the premises.
- 4.7 On 5 November 2019 the police carried out a test purchase operation where a member of staff at the premises sold alcohol to a person under the age of 18 years.
- 4.8 On 6 November PC Hammond attended the premises in company with a trading standards officer and a quantity of illegal cigarettes and tobacco was seized. **Please see the Review Application, appendix 2, and accompanying papers at appendix 3 for full details.**
- 4.9 Mr Bledar Ferizolli is the current Premises Licence holder and Designated Premises Supervisor and details of this review have been delivered to the premises and also his last known address.

5.0 Representations

- 5.1 None of the other Responsible Authorities responded to the review application.

6.0 Financial Implications

- 6.1 There are no direct financial implications attached to the recommendations in this report. However, Members are advised that Mr. Ferizolli or the person making the application to review the Premises Licence has a right of appeal against any decision made by the Licensing Sub-Committee. At any such appeal costs may be awarded against the Council on a successful appeal if the Council has not acted reasonably.

7.0 Legal Implications

- 7.1 The Sub-Committee is obliged to determine this application with a view to promoting the four Licensing Objectives which are:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from harm
- 7.2 In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance (Section 182, Chapter 11) and the Council's own Licensing Policy Statement.
- 7.3 The Sub-Committee must also have regard to the contents of the application and the representations made both in support of, and against, that application and give appropriate consideration to all of the evidence presented.
- 7.4 The Sub-Committee must consider whether or not it is appropriate to take further steps to promote the Licensing Objectives. If it considers that some form of action is appropriate then it may take such of the following steps as it considers necessary for the promotion of the Licensing Objectives:
- (a) take no action;
 - (b) issue an informal warning to the licence holder and / or recommend improvement within a particular period of time;
 - (c) to modify the conditions of the Premises Licence (which includes adding new conditions or any alteration of omission of an existing condition);
 - (d) to exclude a Licensable Activity from the scope of the licence;
 - (e) to remove the Designated Premises Supervisor;
 - (f) to suspend the licence for a period not exceeding three months; or
 - (g) to revoke the licence
- 7.5 In deciding what, if any, steps to take the Sub-Committee should, so far as possible, seek to establish the cause or causes of the concerns that the representations identify and should try to ensure that any remedial action taken is directed at these causes and is no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

7.6 Where an application for a review of a Premises Licence is decided under Section 52 of the Licensing Act 2003, an appeal may be made against that decision by:

(a) the applicant for the review,

(b) the holder of the Premises Licence.

7.7 These parties may appeal against the decision, to the Magistrates Court within 21 days of being notified of the decision.

7.8 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal or until the disposal of the appeal.

(One Legal have been consulted in the preparation this report.)

8.0 Risk & Opportunity Management Implications

8.1 There is a right of appeal to the Magistrates Court for both the applicant and the Responsible Authority. Costs may be awarded against the Council on successful appeal if the Council has not acted reasonably.

9.0 People Impact Assessment (PIA):

9.1 The Screening Stage considered risks to licence holders in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.

9.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

10.0 Other Corporate Implications

Community Safety

10.1 None

Sustainability

10.2 None

Staffing & Trade Union

10.3 None

Background Documents: Licensing Act 2003
Licensing Act 2003 (Hearings) Regulations 2005
Gloucester City Council Licensing Policy Statement
Home Secretary (Home Office) Guidance issued under section 182

**Schedule 12
Part A**

Regulation 33, 34

Premises Licence

Premises Licence Number	1901321GLPRMG
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Part 1 – Premises Details

Postal address:

Czech And Slovak General Store
171 Barton Street
Gloucester
GL1 4HT

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol	Everyday	08:00 - 23:00
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The opening hours of the premises

Everyday	08:00 - 23:00
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Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the Premise

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Bledar Ferizolli
10 Ashgrove Close
Hardwicke
Gloucestershire
GL2 4RT

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 for the supply of alcohol


Bledar Ferizolli
10 Ashgrove Close
Hardwicke
Gloucestershire
GL2 4RT

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

19/01030/LAPENW

Licensing Authority: Stroud District Council

SIGNED:



City Centre Improvement Officer (Licensing Lead)

Date Licence First Granted 17 October 2019

Date of Issue: 17 October 2019

Issuing Authority:

The District of Gloucester City Council, PO Box 3252, Gloucester, GL1 9FW

Part B

Premises Licence Summary

Premises Licence Number	1901321GLPRMG
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Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Czech & Slovak General Store
171 Barton Street
Gloucester
GL1 4HT

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol	Everyday	08:00 - 23:00
-----------------	----------	---------------

The opening hours of the premises

Everyday	08:00 - 23:00
----------	---------------

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the Premise

Name, (registered) address of holder of premises licence

Bledar Ferizolli
10 Ashgrove Close
Hardwicke
Gloucestershire
GL2 4RT

Registered number of holder, for example company number, charity number (where applicable)

Name, designated premises supervisor where the premises licence authorises for the supply of alcohol

Bledar Ferizolli

State whether access to the premises by children is restricted or prohibited

SIGNED:



City Centre Improvement Officer (Licensing Lead)

Date Licence First Granted 17 October 2019
Date of Issue: 17 October 2019

Issuing Authority:
The District of Gloucester City Council, PO Box 3252, Gloucester, GL1 9FW

Annex 1 – Mandatory conditions

Where licence authorises supply of alcohol

No supply of alcohol may be made under this licence

- a. at a time when there is no designated premises supervisor in respect of this licence, or
- b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

Below Cost Ban

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 -

- (a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) 'permitted price' is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by the sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Age Verification Policy

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years 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 either -
 - a) A holographic mark, or
 - b) An ultraviolet feature

Annex 2 – Conditions consistent with the Operating Schedule

1. CCTV will be installed and operating internally and externally and will cover all public areas where licensable activity takes place whilst the premises is open to the public. The time and date will be set to the correct time relating to BST/GMT. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and will be able to fully operate the CCTV system to be able to download at the time of the visit in a recognised format any information requested by the Police or Responsible Authority.
2. All CCTV images will be retained for a period of not less than 31 days and any evidential incidents will be downloaded and stored in a secure system until such time as collected by an appropriate authority.
3. All persons involved in the sale of alcohol / age restricted products will receive initial and regular six-monthly refresher training by the Designated Premises Supervisor, with regards to the law in relation to the sale of alcohol / age restricted. Such training will be recorded and up to date training records of all such persons will be maintained at the premises and made available for inspection at the time of the visit by any Responsible Authority.
4. Records for each person will be retained for a minimum of twelve months.
5. No alcohol or tobacco will be purchased from sellers calling at the premises. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store. All alcohol and tobacco products sold at the premises will have the relevant UK duty paid. Foreign tobacco, which does not comply with the relevant UK legislation, will not be stored or sold at the premises. Invoices, or copies of invoices, for all alcohol and tobacco purchases for the sale at the premises, will be retained and kept at the premises and also made available to officers from Trading Standards, the Police or HMRC upon request. A stock control system will be maintained to enable the designated premises supervisor to quickly identify where and when alcoholic and tobacco products have been purchased. If any tobacco products purchased for or on behalf of the premises does not have UK Duty Paid fiscal mark or are otherwise suspicious, the designated premises supervisor will notify the supplier to Gloucester City Council Trading Standards and HMRC within 48 hours and the products will not be displayed for sale.
6. The designated premises supervisor and the staff will at all times be vigilant in relation to any litter issues within the immediate vicinity of the premises.
7. The premises will operate and enforce a Challenge 25 policy where all persons who appear to be under the age of 25 will be challenged for acceptable identification to prove they are over 18 prior to the purchase of alcohol. The only acceptable forms of identification will be a valid photo driving licence, valid passport or a valid PASS approved proof of age card.
8. Challenge 25 posters will be displayed at the entrance to the premises, all areas where alcohol is displayed and at the cash till payment area. The posters will be displayed prominently and in the sight of customers and staff.

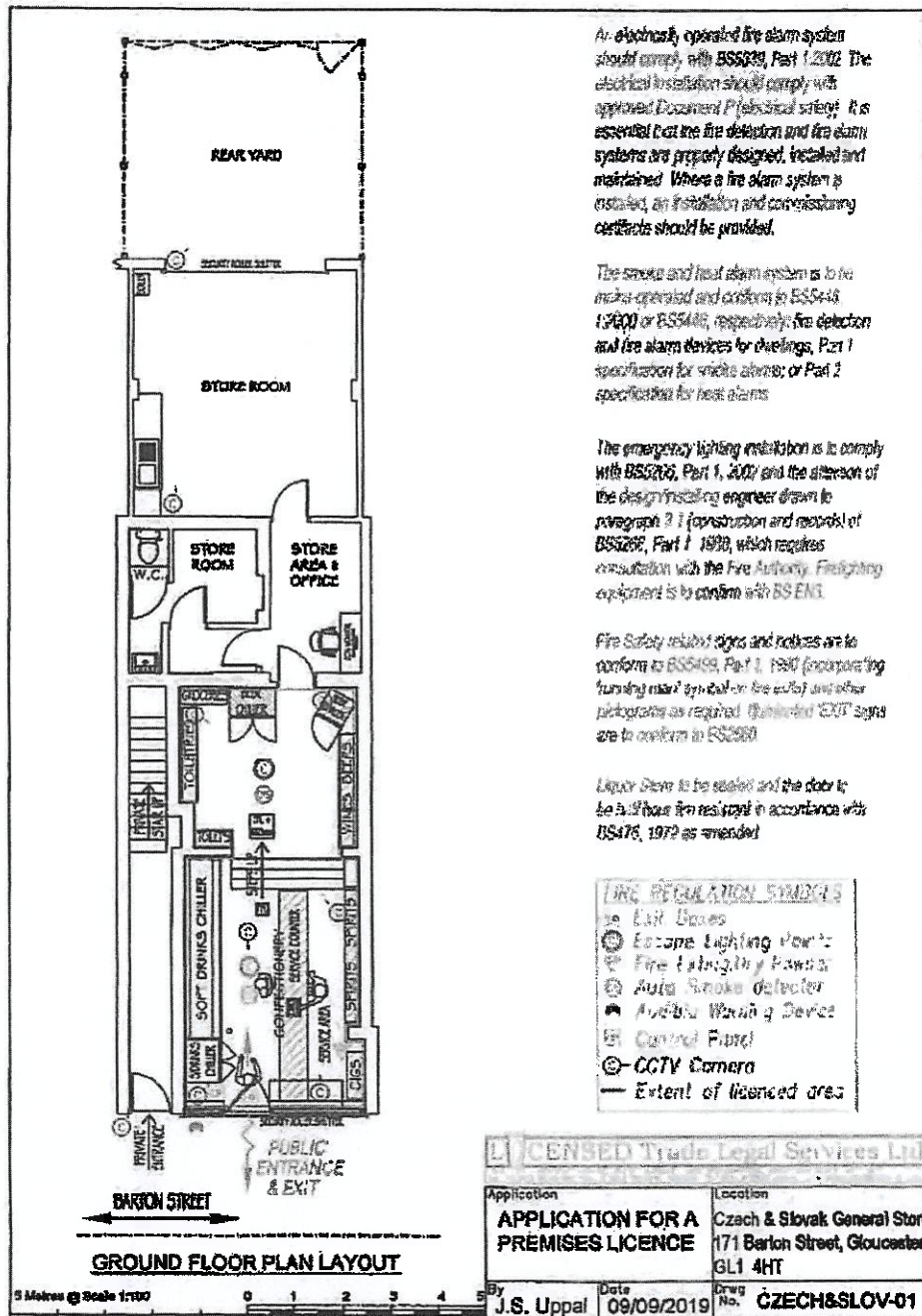
9. A refusals register with details of all refusals will be maintained at the premises. The register will contain details of the staff member refusing the sale and will be checked on a two-weekly basis by the Designated Premises Supervisor. The refusals register will be produced and made available for inspection at the time of the visit by any Responsible Authority.
10. An incident register of all occurrences inside the premises will be maintained at the premises and any details of any incidents of crime and disorder will be recorded. The register will be produced and made available at the time of the visit for inspection upon request by any Responsible Authority.

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

None

Annex 4 – Plans

As submitted with the application



**Application for the 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 that 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 1156 Hammond on behalf of Gloucestershire Constabulary

(Insert name 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, if none, ordnance survey map reference or description Czech and Slovak General Store 171 Barton street Gloucester GL14HT	
Post town Gloucester	Post code (if known) GL1 4HT
Name of premises licence holder or club holding club premises certificate (if known) Bledar Ferizolli	
Number of premises licence or club premises certificate (if known) 1901321GLPRMG	

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)

Please tick ✓ yes

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

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Constable Gloucestershire Constabulary Police Headquarters 2 Waterwells Quedgeley
Telephone number (if any) 01452 752173
E-mail address (optional) Matt.Hammond@gloucestershire.pnn.police.uk

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

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

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

The police are objecting to the current licence continuing the following grounds,

1) Crime and disorder

Failure to adhere to the conditions on the licence in relation to

- A. No incident recording book
- B. No Refusals recording book
- C. No Staff training log book or details
- D. No external cctv cameras
- E. No cctv recording capability. No hard drive in cctv system
- F. Incident 414-30/10/19 Relates to DPS attacking a male with metal chain
- G. Incident 326-4/11/19 related to large fight in street with person seen running in and out of premises. Graded intelligence states the shop sells cannabis.
- H. Test purchase failure on 5/11/19 (16yr old purchased alcohol)

I. Trading Standards illegal tobacco & cigarettes seizure on 6/11/19

2) Public Safety

Failure to adhere to the conditions on the licence in relation to cctv requirements also quantity of Nitrous Oxide canisters and NOZ crackers seized from premises on 6/11/19.

3) Protection of Children

The premise has failed 1 x underage test purchase operation on 05/11/19. Sale of illegal cigarettes at low prices making them affordable at pocket money rates.

The premise at 171 Barton street is a food store that also sells a large amount of alcohol. The premises acquired an alcohol licence on 13th January 2017 with the licence being surrendered in May 2018 for unstated reasons. A police investigation commenced on the 8th August 2019 in relation to information received and on this date it was discovered that the premises was selling alcohol without a licence and the manager was unaware that the licence had been surrendered. This was rectified with a licence application and acquisition of a premises licence commencing on the 17th October 2019.

The premise changed its name at this time from LIQUID TREASURE to its current name of CZECH AND SLOVAK GENERAL STORE.

The premises is situated on Barton street and is accessed/egressed by customers using a single door at the front (as can be seen on attached images and maps) however the building does have a rear access leading to its stockroom from a small service road.

Barton street is situated in a dense residential area with a diverse multi-cultural demographic in an identified socially deprived area of Gloucestershire. Housing is a mix of rented, owned and social. Commercial premises range from public houses, hairdressers and a plethora of small grocery stores the majority of which sell alcohol and cigarettes along with European foods.

beer with a 7% abv to an underage male. Pc Hammond then attended the store to obtain a refund on the alcohol and advise [REDACTED] of this significant failure.

On the 6th November 2019 at 1130 hours Pc Hammond attended the store with Trade and Standards officers . On initial entry a male now known as [REDACTED] was leaving the rear stockroom and the door to this room was slammed shut and locked from the inside, no staff were present on the shop floor. After a few moments of negotiation the door was opened and it was established Mr [REDACTED] was present in the company of another male he stated was his brother [REDACTED]. The males were found to be in possession of illegal cigarettes and tobacco and the following was attributed to each male

[REDACTED] .. 2 Packets Marlboro gold & 2 packets of Rothmans cigarettes

[REDACTED] .. 77 packs of cigarettes & 6 pouches of tobacco

[REDACTED] 6 packs Minsk & 4 packs NZ Gold cigarettes

In total 91 packs of cigarettes and 6 pouches of tobacco were seized ,at typical illegal tobacco prices the value of these items was around £378.50 and would have seen £605.46 worth of duty evaded.

The sale of illegal tobacco defeats the government health policy of making smoking unaffordable, encourages smokers to continue smoking and makes it affordable to children as it is sold at pocket money prices, it deprives the country of tax benefits and illegal tobacco is linked to organised crime.

In addition to the tobacco products a quantity of Nitrous Oxide canisters and NOS crackers(used to extract the gas from the small canisters) were seized. Nitrous Oxide canisters have a legitimate professional use for whipping cream but where a shop sells these items together the only conclusion drawn is the intended sale and use is to induce intoxication from the gas a method inherent with dangerous side effects which have caused injury and even death.

Attempts to contact the DPS FERRIZOLLI have been unsuccessful by phone , a visit by Trade and Standards senior officer to the registered address as provided on the licence and personal licence details has revealed that he has not lived at that premises

On the 30th October 2019 around 1945 hours a male reported to police that he had been assaulted by the owner of the store, stating he was struck multiple times with a metal chain. He stated he knew staff at the store and the owner by sight. Police enquires established the DPS Bledar FERIZOLLI had been present and left prior to police arrival. When officers attempted to seize cctv from the premises it was established that the system had no hard drive or recording capability this fact hindered the investigation and was reported to police licensing.

On the 4th November Police licensing officer Matt HAMMOND attended the store and conducted a licensing check, the DPS was not present and Alex CRBIE was again in charge. All paperwork was correctly displayed but the following breaches were noted

1. No incident book was present.
2. No refusals book was present.
3. No training records were able to be produced.
4. The cctv system multi camera display panel revealed there were no external cameras as required on the licence.
5. The system had no hard drive or recording capability.

Pc Hammond served a S19 closure notice on the premises advising [REDACTED] that they had to resolve the issues within 7 days or face court and possible closure. A copy of the form was accepted by CRBIE.

At 1920 hours the same night a disorder incident occurred outside the premises where a male was seriously assaulted the shop was linked to this assault, Pc Hammond witnessed people running in and out of the premises and the rear stockroom door was open affording egress through the rear of the premises away from the main street on which a number of police were present.

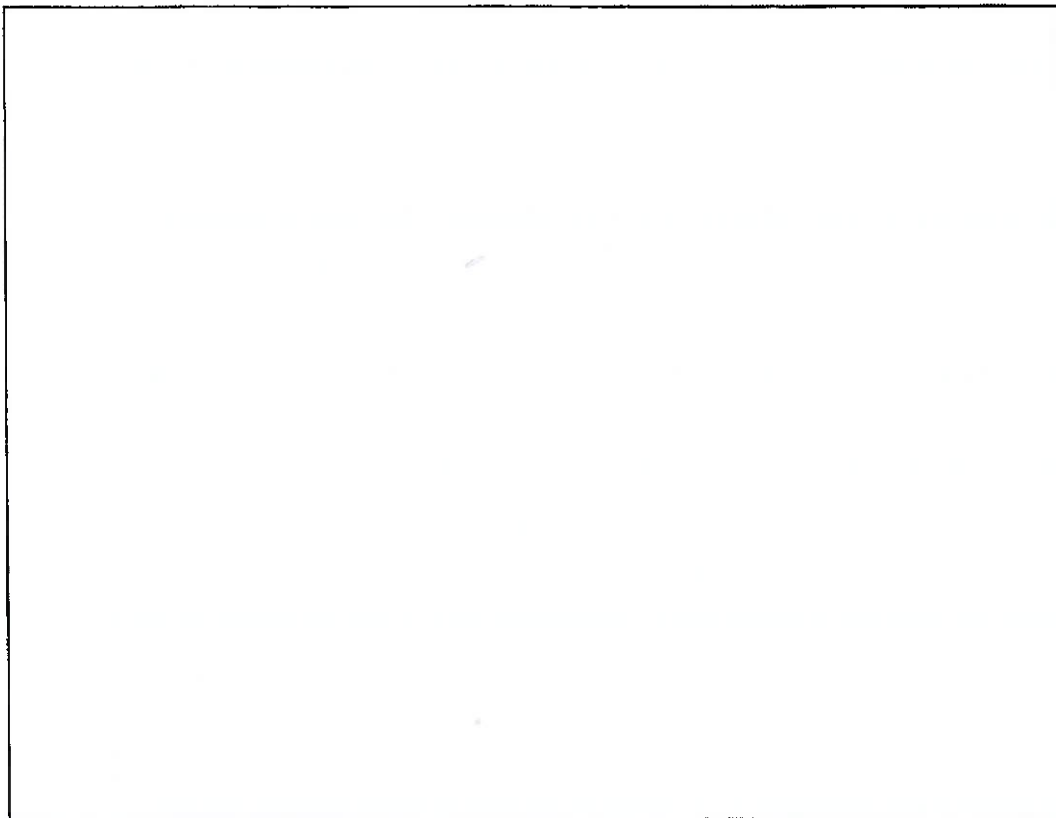
On the 5th November 2019 a test purchase operation was conducted and alcohol was sold to a 16yr old without any age verification checks, the sale was witnessed by a City Council licensing officer who was within sight and hearing of the till area and observed the entire transaction where Mr Alex CRBIE sold a four pack of DEBOWE

for around ten years.

After access was gained to the seized cctv system by trade and standards it was evident that efforts had been made to rectify the cctv issues subject to the closure order served on the 4th November and a hard drive had been installed , however it should be noted that several cameras within the premises were then re adjusted to avoid recordings being made of an area to the right of the till .. it is apparent that these adjustments on cameras 2 ,3 ,5 and 6 are intended to create a non recorded area to avoid premises cameras recording evidence of transactions this shows a clear process of intent.

Combined with the failed test purchase, illegal tobacco , disorder incidents , blatant omission regarding cctv and disregard for licensing conditions police have serious concerns about the lack of premises management and given the short time frame involved and history behind the premises Gloucestershire Constabulary seek a full revocation of the licence.

S182 the licensing act paragraph 11.27 refers to the sale of illegal tobacco and the purchase of alcohol by minors which impacts on the health,educational attainment , employment prospects and propensity for crime of young people to be treated as particularly serious with regards to this case.



PO Box 3252, Westgate Street, Gloucester. GL1 9FW
01452 396396
heretohelp@gloucester.gov.uk
www.gloucester.gov.uk

Gloucester
City Council

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

No Previous

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date 26/11/19

Capacity Police Licensing officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Pc 1156 Hammond Hucclecote Police station Hucclecote	
Post town Gloucester	Post Code GL33RT
Telephone number (if any) 01452 752816	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Matt.Hammond@Gloucestershire.PNN.police.uk	

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.

Gloucester City Council provides Licensing Services to you. We will use your personal information to provide those services to you and may need to share your information with Statutory Bodies to enable us to do this. For further information about how the council uses information it holds about you please go to <http://www.gloucester.gov.uk/council/data-protection-and-foia/Pages/data-protection-GDPR.aspx>

WITNESS STATEMENT

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

Statement of: PC Matt Hammond

URN

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 anything in it, which I know to be false, or do not believe to be true.

Signature:



Date: 18-11-2019

I am a Police officer 1156 Hammond currently stationed at Hucclecote police station, Gloucester . My current role is licensing officer having responsibility for licensed premises regulated under the licensing act 2003.

On Monday 4th November 2019 at 1315 hours I attended 171 Barton street, CZECH & SLOVAK GENERAL STORE to conduct a licence premises check following an incident of assault where officers had informed me they were having issues obtaining any cctv from the premises.

At the premises I spoke to store worker **ALEX CRETU** who stated the DPS was not present and only attended the store infrequently. **ALEX CRETU** was unable to provide any training registers or records, refusals records or incident logs but stated he would rectify these issues. When asked about cctv he stated the system had never worked since he had been working there (August 7th 2019) it had no hard drive or any recording capability. I was unable to locate any such device and as such I concluded he was not able to produce any recordings of the alleged assault incident that occurred within the store.

I would also state that the cctv images displayed on a large flat screen tv do not contain any external images as required under the current licence conditions, a fact **ALEX CRETU** confirmed.

Due to the seriousness of the breaches I served section 19 closure notice on **ALEX CRETU** which in effect pushes the premises to rectify the issues quickly and I informed him that the premises may be taken to a licensing hearing as the licence had not been in place for very long and there were already significant problems.

At 1920 hours the same day I returned to the store intending to conduct a test purchase using a 16 yrs old male, however as I drove towards the shop I could see police had just arrived and there was some activity in the shop and outside it , when driving past I noted people running in and out of the premises and that the internal stock room door was wide open affording access to the stock room and rear door to the premises. I established that a male had been assaulted and had several injuries the most evident being a bleeding and disfigured nose which I presumed was broken ; as the situation on the street was heightened I did not remain or conduct a visit as it was not appropriate with the young person in my vehicle.

On Tuesday 5th November 2019 I was on duty and in the company of the same 16 yr old male we attended the store to conduct a test purchase, a full operational order was completed along with relevant authorities for the attempted purchase of alcohol was completed.

At approximately 1205 hours the young person in company with Richard BARNETT a licensing officer from the City Council entered the store and selected four cans of DEBOWE beer with an ABV of 7% and a value of £5.50 , the 16yr old was served at the till by a male I know to be **ALEX CRETU** and purchased the

Signature:



Signature witnessed by:

Statement started: 18-11-2019 11:22

Statement completed: 18-11-2019 12:45

alcohol leaving the store a few moments later.

Outside I took the alcohol from the young person and was informed by Mr BARNETT that the only communication had been the value of the beer for payment purposes. I spoke to CRETU who recognized me and he accepted he had made the sale as he thought the male was over 18. I pointed out the store was operating under challenge 25 but he then said "I asked if he was 18 and he said yes" I informed him that a licensing officer had also been in the store and had been listening to which he simply said he must not have heard.

CRETU signed my electronic pocket note book confirming he had made the sale and not seen valid ID but still claimed the male look older than 16 yrs of age. I informed him that he must do ID checks.

I would produce the closure notice form S29 signed by [REDACTED] as evidence identified as exhibit MLH1. I would produce a copy of the current licence for the premises as evidence identified as exhibit MLH2.

The below is a copy of the current conditions referred to above taken directly from the current licence.

1. CCTV will be installed and operating internally and externally and will cover all public areas where licensable activity takes place whilst the premises is open to the public. The time and date will be set to the correct time relating to BST/GMT. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and will be able to fully operate the CCTV system to be able to download at the time of the visit in a recognised format any information requested by the Police or Responsible Authority.
2. All CCTV images will be retained for a period of not less than 31 days and any evidential incidents will be downloaded and stored in a secure system until such time as collected by an appropriate authority.
3. All persons involved in the sale of alcohol / age restricted products will receive initial and regular six-monthly refresher training by the Designated Premises Supervisor, with regards to the law in relation to the sale of alcohol / age restricted. Such training will be recorded and up to date training records of all such persons will be maintained at the premises and made available for inspection at the time of the visit by any Responsible Authority.
4. Records for each person will be retained for a minimum of twelve months.
5. No alcohol or tobacco will be purchased from sellers calling at the premises. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store. All alcohol and tobacco products sold at the premises will have the relevant UK duty paid. Foreign tobacco, which does not comply with the relevant UK legislation, will not be stored or sold at the premises. Invoices, or copies of invoices, for all alcohol and tobacco purchases for the sale at the premises, will be retained and kept at the premises and also made available to officers from Trading Standards, the Police or HMRC upon request. A stock control system will be maintained to enable the designated premises supervisor to quickly identify where and when alcoholic and tobacco products have been purchased. If any tobacco products purchased for or on behalf of the premises does not have UK Duty Paid fiscal mark or are otherwise suspicious, the designated premises supervisor will notify the supplier to Gloucester City Council Trading Standards and HMRC within 48 hours and the products will not be displayed for sale.
6. The designated premises supervisor and the staff will at all times be vigilant in relation to any litter issues within the immediate vicinity of the premises.
7. The premises will operate and enforce a Challenge 25 policy where all persons who appear to be under the age of 25 will be challenged for acceptable identification to prove they are over 18 prior to the purchase of alcohol. The only acceptable forms of identification will be a valid photo driving licence, valid passport or a valid PASS approved proof of age card.
8. Challenge 25 posters will be displayed at the entrance to the premises, all areas where alcohol is displayed and at the cash till payment area. The posters will be displayed prominently and in the sight of customers and staff.

Signature: 

Statement started: 18-11-2019 11:22

Signature witnessed by:

Statement completed: 18-11-2019 12:45

9. A refusals register with details of all refusals will be maintained at the premises. The register will contain details of the staff member refusing the sale and will be checked on a two-weekly basis by the Designated Premises Supervisor. The refusals register will be produced and made available for inspection at the time of the visit by any Responsible Authority.
10. An incident register of all occurrences inside the premises will be maintained at the premises and any details of any incidents of crime and disorder will be recorded. The register will be produced and made available at the time of the visit for inspection upon request by any Responsible Authority.

At 1130 on the 6th November 2019 in the company of senior trade & Standards officer Robert CARDEW and other officers I attended the premises once again, on initial entry no one was present in the premises but as I moved inside a male I now know to be **Muzlab MIHAI** entered the shop area from the stockroom and the door was quickly slammed shut ..after a some quick negotiating the door was opened by **Alex CRETE** who attempted to say it had locked itself and jammed, also present in the stockroom toilet area was **Josif CRETE** the younger brother of Alex Josif was wearing a red top which was quite distinctive and officers covering the rear of the store has seen him trying to leave seconds before wearing the same red top but also a red rucksack ...the rucksack was outside the toilet area discarded.

A quantity of illegal cigarettes and tobacco was seized from the premises.

At no time since my initial visit and after many attempts by phone I have been unable to contact or speak to the DPS Mr Bedar FERRIZOLLI.

Signature of witness:



Date: 18-11-2019

Signature:



Statement started: 18-11-2019 11:22

Signature witnessed by:

Statement completed: 18-11-2019 12:45

OFFICIAL

MG11

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

Statement of: PC Matt Hammond

URN

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 anything in it, which I know to be false, or do not believe to be true.

Signature:



Date: 21-11-2019

Further to my statement dated the 18th November 2019 I would produce the following letters as evidence identified as follows

MLH3 . Letter to DPS concerning a premises check on 4th November 2019 outlining issues at the premises .

MLH4.. Failed TP letter concerning underage sale on 5th November 2019

Signature of witness:



Date: 21-11-2019

Signature:



Statement started:

21-11-2019 1325

Signature witnessed by:

Statement completed: 21-11-2019 1330

2010/11

OFFICIAL

URN:

Statement of: PC Tamsin HOBBS

Age If under 18 (if over Insert "over 18"):

Occupation: Police Constable

This statement (consisting of1..... Pages(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:



Date: 16/11/2019

I am PC 2494 HOBBS, of the GLOUCESTERSHIRE CONSTABULARY, stationed at BAMFURLONG RESPONSE UNIT in GLOUCESTER. I commenced work at 1400hrs and was crewed with PC 1919 EARNSHAW under the call sign RT1919.

On WEDNESDAY 30th OCTOBER 2019 we attended a grade one incident on BARTON STREET in GLOUCESTER following a report of violence against the person. I was informed by the control room that a victim – Mr [REDACTED] had called in stating that he has just been assaulted in a shop and chased down BARTON STREET by a male with a metal chain.

I arrived on BARTON STREET and was flagged down by the victim, he explained that the offender who had assaulted him was the owner of the store – the victim was not sure of the store name, he referred to it as the 'Off Licence' however lead us to the store in which it happened in, this store was - 171 BARTON STREET.

The victim had explained that he had gone into this store to buy an energy drink, he knows one of the males that works behind the counter, he referred to him as Alex. The victim and Alex were stood talking for a short period of time when a male, who the victim only knows as the owner came from the rear shop staff door, the next thing the shop owner starts attacking the victim with a metal chain which the victim explained was totally unprovoked. The victim described the chain as a pure metal and silver chain to which he had a couple of loops of the chain wrapped around his hand and about 60cm hanging from his hands – the victim explained that the owner tried to hit him round the face with this chain however managed to block this by raising his arms up as protection, after about 5-7 hits the victim then runs out of the store and runs down BARTON STREET however the owner of the store chases him down the street continuing to assault the victim with the chain.

After speaking with the victim I then attended 171 BARTON STREET to speak with the store assistant and the owner. As I walked into the store I spoke with the store assistant – [REDACTED], he at first tried explaining that he could not understand any English and then after a couple minutes was able to speak perfect English to us.

I asked him where the store owner was, he explained that he had not been working and was not at the store, I explained to him that I have witnesses and a victim stating otherwise, a few minutes later he then changed his story and explained that he had been there however had recently just left the store to go home. When asking why he lied he shrugged his shoulders and continued to state he doesn't know anything. Alex explained that he only knew the owner's first name and this was Mr. Bledar, I asked Alex to make contact with Mr. Bledar to get him to the store.

RESTRICTED

After looking around the store for some sort of paperwork, I finally came across the name Mr Bledar FERIZOLLI, I asked Alex if this was the owners name to which he confirmed.

I then went through the rear door of the store which lead into what looked like a storage room, the back door to the property was wide open, this lead to a small concrete garden, with a rear exit route for anyone leaving through the back. I noticed there were CCTV cameras in the store so asked Alex if he could bring up the footage from the last 40 minutes of the store – Alex explained that he did not know how to do this and didn't believe they actually worked. Alex then went on to explain that he could not get hold of FERIZOLLI, he provided me with his mobile number, I also tried this however the mobile number just went straight to voicemail.

Another officer who had backed me up PC 2385 BEASLEY who is good with computers had a look at the CCTV system, after a few minutes PC 2385 BEASLEY explained that the CCTV system did not have a hard-drive and therefore was not recording any footage.

This was going to be our main evidence into investigating this incident, all in all whilst at the store Alex the assistant was not helpful at all, avoiding any difficult questions and unable to give me any details of the owner of the store apart from his first name and number. Alex was not able to get in touch with FERIZOLLI the whole time I was at the store and was not able to give me any addresses to where FERIZOLLI was living. Alex denied seeing any altercation between FERIZOLLI and the victim stating that he could have been out the back if the incident did happen.

I can confirm injury photos were obtained from the victim that night; these were red marks to his arms, consistent of a metal chain hitting him.

Police CCTV footage was also reviewed, you can see that a male has been chased from the store 171 BARTON STREET with a male chasing after him for about a minute before he stops chasing him. Unfortunately the Police camera is some distance away from the store so we are not able to get an ID of the offender as it's too grained.

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

Statement of: Mr [REDACTED]

URN

Age (if under 18): Over 18

Occupation: [REDACTED]

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 anything in it, which I know to be false, or do not believe to be true.

Signature: [REDACTED]

Date: 30-10-2019

I am the above named person and I reside at the address shown overleaf.

On Wednesday 30th OCTOBER 2019 I left home at approximately 1940 hours and walked to my local shop at 171 BARTON STREET, GLOUCESTER. I do not know what the shop is called but it is referred to locally as the 'OFF LICENCE'. I went to the shop on my own to buy an energy drink or something like that.

I know a male called Alexander who works in the off licence, I got talking to him when I first moved here 2 months ago as I realised he was also Romanian. I only know Alex through working in the shop and I don't socialise with him but I do consider him to be a friend.

I walked in to the shop, Alex was working behind the counter and we chatted for a bit. I then stepped outside the shop and Alex joined me a few moments later, he stood talking to me in the shop door way. After a few minutes he went back in to the shop and seemed to be busy serving customers and fetching stock from the back of the shop. Alex then came back out to the front of the store again and we chatted for a few minutes, then I left the shop. I went for a walk along BARTON STREET but returned to the shop about 10-15 minutes later and as I was on my way back home I went in to the shop to buy a drink and the owner of the shop came through the door way at the back of the store. The shop is split on two levels and the back of the store is raised by 5-6 steps. As you walk in to the shop you look directly ahead at the second level up the stairs but the counter is on the ground near to the front door. I know the male that came out of the door is the owner because Alex has told me before. When this male came through the door he started talking in his language, I think he is Kurdish. I asked Alex what he was saying and what was going on. The next thing I know the shop owner has come down the steps to where I am standing at the counter and he started hitting me with a metal chain, this was totally unprovoked. I would describe the chain as though it was a dog chain, pure metal and silver in colour. He had a couple of loops of the chain wrapped around his hand and about 60 cm hanging from his hands. He tried to hit me over my face and head but I used my arms to protect myself and block him from connecting with me, so he then hit my elbows and the back of my head. He hit me several times, I would say 5-7 times whilst I was standing in the shop. I was screaming at him to stop and asking what the problem was, I believe he was swearing at me in his language. At this point I am not aware of any one else being in the shop. Whilst I was being assaulted Alex disappeared and I do not know where he went.

As he was hitting me I began stepping backwards and stepped out of the shop, but he continued to follow me and repeatedly hit me with the chain until we reached the corner of the street on the left as you come

Signature: [REDACTED]

Statement started:

30-10-2019 21:39

Signature witnessed by: [REDACTED]

Statement completed: 30-10-2019 21:48

out of the shop. He eventually stopped and started shouting at me in his language, he then returned to his shop and I remained where I was for a few minutes trying to collect my thoughts and steady myself. I decided that I would walk to ASDA instead of using this man's shop, I walked down BARTON STREET towards ASDA, I got just past his shop about 2 doors along when I heard voices shouting and I realised something was about to happen. I turned around and saw the same male, the shop owner coming up behind me raising his arm with the chain in his hands again and lurching towards me. I raised my arm to protect myself but he hit me over the back of my head, my right arm, and my upper back/shoulder area. I would say he hit me about 15-20 times. People were screaming at him to stop, I heard the name "LEO" mentioned but I do not know who that was in relation to I heard people screaming and swearing in a panicked manner, I could hear a female sounding very panicked. I was screaming at the male

"STOP STOP!! WHAT IS WRONG WITH YOU?" The male did not reply back to me, he was breathing quickly and had what I would describe as a psychopath look on his face. I managed to get away from him and ran away from him as quickly as I could towards the church on the corner of the BARTON STREET. As I passed people I could them, asking me what had happened and if I was ok but I just kept going so that I could get somewhere safe to call the police.

I would describe the shop owner as 30-35 years old, white, a little bit shorter than me, I am 1m 80 so I would say he is 1 m 60-65. His hair was very short at the sides and slightly curly on the top, it was a blondish coloured and he had green eyes and was of skinny build. He was wearing a padded black jacket and black trousers. I know him as the owner of the shop and I would recognise him again, however I do not know what his name is.

I have never had any problems with this male in the past so I don't know where this has stemmed from.

As a result of being assaulted by this male with the chain I have the following injuries; my upper right arm has a long red mark just above the elbow, about 4 inches in size along with numerous other small red marks. My little finger on my right hand is bruised, the right side of my upper body is tender and feels as though it will bruise. My left elbow also hurts, this is all where I was trying to protect myself putting my arms up towards him.

Prior to making this statement I consumed 100 ml of vodka but I do not feel drunk I feel perfectly normal.

I am willing to attend court and will support a prosecution. I give GLOUCESTERSHIRE POLICE permission to access my medical records.

Signature of witness:

Date: 30-10-2019

Signature

Statement started:

30-10-2019 21:39

Signature witnessed by:

Statement completed: 30-10-2019 21:48

STATEMENT OF WITNESS

(Criminal Procedure Rules 2010 r27.1 (1);

Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

Statement of: Richard David Barnett

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

Occupation of witness: City Centre Improvement 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.

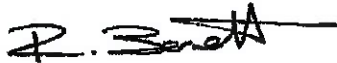
Dated: 5th November 2019

Signed: 

-
1. I am employed by Gloucester City Council as a City Centre Improvement Officer.
 2. I am Duly Authorised to administer and enforce the Licensing Act 2003.
 3. I have held this position since March 2012.
 4. I produce a copy of my authorisation (Exhibit RB1)
 5. On Tuesday 5th November 2019, I received a call from Matt HAMMOND, Police Licensing Officer, Gloucestershire Constabulary, to assist in an Under-age sales operation at the Czech And Slovak General Store, 171 Barton Street, Gloucester with a Police Cadet.
 6. At 12:10pm I entered the premises named Czech And Slovak General Store at 171 Barton Street, Gloucester, GL1 4HT.
 7. I walked passed the sales counter on my right and up some steps and turned around to face the entrance of the premises which was only about 4 meters away in distance.

8. Approximately one minute later the Police Cadet entered the premises. I then witnessed the Police Cadet pick up a four can pack of alcohol from the fridge opposite to the sales counter.
9. The Police Cadet then approached the sales counter with this alcohol. The only conversation that took place was the sales person confirming the cost. I then witnessed The Police Cadet hand over the money and the alcohol was placed in a black carrier bag and change was given.
10. The Police Cadet then left the premises. I immediately followed behind him and the sales person was the only person remaining in the shop.
11. The bag containing the alcohol was then provided to Matt HAMMOND.

Signed:



STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Robert John Cardew

Age of witness (if over 18, enter "over 18"): **Over 18**

This statement (consisting of 6 pages) 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.

I am employed by Gloucestershire County Council as a Senior Trading Standards Officer. I am authorised to enforce the Standardised Packaging of Tobacco Products Regulations 2015, the Tobacco and Related Products Regulations 2016 and the Trade Marks Act 1994.

In this statement, I will refer to illegal tobacco as tobacco which breaches criminal legislation which specifies the way that tobacco is labelled for sale. The applicable legislation is the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015. In addition, illegal tobacco also refers to tobacco that carries a registered trade mark without the consent of the trade mark holder and tobacco that does not carry the fiscal mark as required by the Tobacco Products Duty Act 1979 to indicate that duty has been paid. Tobacco may be illegal for one or more of the reasons above.

The Tobacco and Related Products Regulations 2016 (TaRP) states that tobacco products carry a combined health warnings which consists of a specified text warning with a corresponding colour photograph together with the following smoking cessation information "Get help to stop smoking at www.nhs.uk/quit". This must be in English and presented in the specified manner. The maximum sentence is 3 months imprisonment and / or a fine on summary conviction or 2 years imprisonment and / or

Signed: *L Cardew* (witness) **Date:** *14/11/2019*

RESTRICTED WHEN COMPLETE

Continuation Form

Name: Robert John Cardew

Page No: 2

a fine on conviction in indictment.

The Standardised Packaging of Tobacco Products Regulations 2015 (SPoT) ensures that cigarettes and hand rolling tobacco are presented for sale in standardised packaging where the typeface and colour of packaging is the same across all brands of cigarettes and hand rolling tobacco. In particular, the colour of the packaging of any hand rolling tobacco and cigarettes must be pantone 448C in matt. The purpose of these requirements is to remove any eye catching features from tobacco packaging and to make tobacco less visually appealing. The only difference between manufacturers will be the brand name and variant. The maximum sentence is 3 months imprisonment and / or a fine on summary conviction or 2 years imprisonment and / or a fine on conviction in indictment.

Illegal tobacco is typically sold for between half and a third of the cost of legal tobacco. A packet of 20 illegal cigarettes typically sells for £3.50 for counterfeit and unknown brands or £5 for a known brand such as Marlboro. The cheapest available pack of 20 legal cigarettes is approximately £7.65 although legal versions cost around £9.19 for Mayfair and £10.70 for Marlboro. A pouch of 50g illegal tobacco typically sells for £10 whereas the legal version cost around £20. The duty rate for 50g of hand rolling tobacco is £11.73. The duty rate for cigarettes is based on recommended retail price with a minimum excise tax of £5.88. Therefore illegal tobacco is sold for close to or less than the duty rate for the product.

This statement concerns a shop called Czech and Slovak General Store, 171 Barton Street, Gloucester, GL1 4HT. Gloucestershire Trading Standards Service had received information that this shop was a source of illegal tobacco and to that end, an

Signed: R Cardew (witness) Date: 14/11/2019

Continuation Form

Name: Robert John Cardew

Page No: 3

inspection was planned with the assistance of Gloucestershire Police.

On 6 November 2019, at approximately 1130hrs, myself and PC Matt Hammond entered Czech and Slovak General Store. Other officers from Gloucestershire Police monitored the rear of the premises. On entering the shop, I was aware of a male stood at the far end of the shop by the door that leads to the store area and office. I was also aware that the door was open but it was soon closed and locked before myself and PC Hammond were able to reach it. No one was behind the counter and no one else was on the shop floor despite the shop being open for business. The male was subsequently identified as **Muzdub MIHATA**. He wanted to leave the shop but was asked to remain. The door to the office was locked and I asked the person the other side to open it but he claimed not to have the key despite the door being closed and locked soon after myself and PC Hammond entered the shop. I informed the male behind the door that if he did not open it, entry would be forced. Within a minute, the door opened. I recognised the male behind the door as **Alex CRETE**. I had previous dealings with **[REDACTED]** when he worked in another Barton Street shop well known for selling illegal tobacco. That shop has since been closed by a court order. I then asked **Muzdub MIHATA** whether he had anything in his pockets. He produced 2 packets of Marlboro Gold cigarettes and 2 packets of Rothmans cigarettes. These packs were unopened and are illegal cigarettes. As well as **Alex CRETE** and **Muzdub MIHATA**, my attention was drawn to a third male, **[REDACTED]**. He has attempted to leave the rear of the shop premises with a ruck sack found to contain illegal tobacco. He was stopped by a Police Officer and brought back into the shop. The rucksack contained 77 packs of cigarettes and 6 pouches of hand rolling tobacco. This tobacco is illegal. A search then commenced. Under the counter of the shop, was a red and blue coat with a central chest pocket. In the pocket were 6

Signed: *R. Cardew* (witness) Date: *14/11/2019*

RESTRICTED WHEN COMPLETE

Continuation Form

Name: Robert John Cardew

Page No: 4

packs of Minsk cigarettes and 4 packs of NZ Gold cigarettes. These cigarettes are illegal cigarettes. Also, a single packet of unopened Marlboro Gold was found on a shelf under the till. These too were illegal cigarettes. All illegal cigarettes were seized. I also found two display boxes labelled "bottle openers". In one box, there were 4 bottle openers left and in the other box, there were 18 bottle openers left. Despite these items being labelled as bottle openers, they are better known as "NOS Crackers". These are used to access nitrous oxide gas held within "cream charger" refills for the purposes of intoxication. The NOS Crackers clearly have no function as a bottle opener. Also in the shop, were a number of nitrous oxide cream charger refills. A cream charger refill has a legitimate use in a cream whipper. This is a professional device used in the food trade to produce instant fresh whipped cream. Where a shop sells cream charger refills and NOS Crackers together, the only conclusion that can be drawn is that they are sold for the purposes of intoxication. The NOS Crackers were seized. At the conclusion of the inspection, a total of 91 packs of cigarettes and 6 pouches of hand rolling tobacco were found and seized from the premises. This included counterfeit copies of Richmond, Mayfair and Amber Leaf. Brands found in MIHATA'S pockets and in the coat under the counter were also found in the rucksack. If sold at typical illegal tobacco prices, this tobacco would have made £378.50. None of this tobacco was duty paid and therefore £605.46 worth of duty would have been evaded. Prior to concluding the inspection, I also seized the CCTV on the basis that it would contain evidence relating to the sale of the illegal tobacco.

On my return to my office, I plugged the CCTV in to a monitor with a view to reviewing the CCTV footage. However, on start-up, the CCTV required a password

Signed: *R Cardew* (witness) Date: *15/11/2019*

RESTRICTED WHEN COMPLETE

Continuation Form

Name: Robert John Cardew

Page No: 5

before it could be used.

On 7 November 2019, I telephoned Bledar FERIZOLLI, the premises licence holder. The call went straight to answer service and I left a message asking Mr FERIZOLLI to provide the password for the CCTV. I then prepared a letter addressed to Mr FERIZOLLI at the address given on the premises licence application form --

[REDACTED]. The letter advised Mr FERIZOLLI of the result of the inspection at Czech and Slovak General Store. I said that I would need to formally interview him and it also requested him to provide the password for the CCTV. I hand delivered this letter to [REDACTED] Ashgrove Close.

On 8 November 2019, I had received no response from Mr FERIZOLLI and I phoned him again. The call went straight to answer service.

On 11 November 2019, I still had received no response from Mr FERIZOLLI and I phoned him again. The call went straight to answer service.

On 12 November 2019, I visited [REDACTED] in the hope of catching Mr FERIZOLLI at home. The door was answer by a male who said he knew Bledar FERIZOLLI but said that he had not lived at the premises for around 10 years. As at the date of this statement, I have had no contact from Bledar FERIZOLLI and I have no means of contacting him.

Preventing the sale of illegal tobacco is a priority area of work for Gloucestershire Trading Standards Service. The sale of illegal tobacco has a negative impact on the community for a number of reasons:

1. By selling illegal tobacco for a third of the price of legal tobacco defeats

Signed: *R Cardew* (witness) Date: 14/11/2019

RESTRICTED WHEN COMPLETE

Continuation Form

Name: Robert John Cardew

Page No: 6

government health policy of making smoking unaffordable.

2. Illegal tobacco encourages smokers to continue smoking and makes smoking affordable for children as it is sold at "pocket money prices".
3. Illegal tobacco deprives the country of tax revenue of approximately £1.8bn.
4. Illegal tobacco is linked to organised crime.
5. Illegal tobacco diverts trade from legitimate businesses.
6. Illegal cigarettes are often not manufactured to self extinguish thereby increasing the risk of house fires.

Recent prosecutions for illegal tobacco have resulting in prison sentences for 5 individuals ranging from 30 weeks to 28 months. *RV*

Signed: *R Cardew* (witness) Date: *14/4/2019*

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Robert John Cardew

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 3 pages) 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.

I am employed by Gloucestershire County Council as a Senior Trading Standards Officer. I am authorised to enforce the Standardised Packaging of Tobacco Products Regulations 2015, the Tobacco and Related Products Regulations 2016 and the Trade Marks Act 1994.

This statement is in addition to my statement of 14 November 2019.

On 14 November 2019, I attempted to access the CCTV recorder seized from Czech and Slovak General Store, 171 Barton Street, Gloucester on 6 November 2019. The CCTV system is an H.View digital video recorder model number DVR-WB108, serial number 201FA150001. When switched on, the CCTV recorder was password protected. Despite several attempts, I was unable to make contact Bledar FERIZOLLI to get the password. [REDACTED], who regularly works in the shop, was also unable to provide the password. However, I was able to use a software tool to bypass the password and reset it. This process did not affect the recordings on the CCTV. When switched on, I noted the CCTV date and time were incorrectly set. The month was showing as January and the year was showing as 2000. The only recordings found on the CCTV recorder were dated 13/01/2000 to 14/01/2000. The recording was not continuous in this period. The CCTV has recorded the following footage:

Signed: R Cardew (witness) Date: 19/11/2019

RESTRICTED WHEN COMPLETE

Continuation Form

Name: Robert John Cardew

Page No: 2

13/01/2000 – 03:20:23 to 10:39:15 and 22:22:50 to 00:00:00.

14/01/2000 – 00:00:00 to 01:06:30 (when the recorder was seized).

Whilst the CCTV recorder has 8 channels, it was only recording on 6 channels. The plan attached to the premises licence application shows 9 cameras. There was no camera with a view of the front of the premises, there was no camera with a view of the store room and there was no camera with a view of the rear yard. The CCTV recorder captured the Trading Standards Police visit which occurred on 06/11/2019 at 1130hrs. The CCTV recorder records this as having occurred on 14/01/2000 at 00:28:28. Ignoring the date, the time on the CCTV recorder is therefore 11 hours slow.

I have reviewed the first 3 hours of CCTV footage. This shows a clear pattern whereby a customer enters the shop and Alex CRETU comes to the counter. During periods where there are no customers, the counter is largely unattended. It is my belief that Alex CRETU sits in the office of the shop and monitors the CCTV and goes back to the counter when he sees a customer. Typically, when a customer comes into the shop and Alex CRETU goes to the counter. The customers typically take nothing from the shelves. They pay Alex CRETU and the money goes into the till. Change is given where necessary. Alex CRETU then leaves the counter and goes through the door to the office. He then either returns with items secreted in his pockets which he then puts into small black carrier bags, or the items are already placed in small black carrier bags when he exits the office. In my opinion, these represent the sale of illegal tobacco. In some instances, cigarettes packs are clearly visible. In the first 3 hours of footage, there are 35 customers. 9 of these customers take items from the shelves to purchase and there is no indication of illegal tobacco

Signed: *R. Cardew* (witness) Date: 15/11/2019

Continuation Form

Name: Robert John Cardew

Page No: 3

being purchased. The remaining 24 customers are served with goods which have been collected from the office at the rear of the shop and are believed to be illegal cigarettes.

During my review of the CCTV footage, I noted that the CCTV cameras where repositioned during the limited period in which they were recording. In my opinion, this has been done to provide a more restricted view of the counter of the shop which is the point at which illegal tobacco is sold and handed to customers. At 03:48:43, Bledar FERIOZOLLI can be seen in the shop with ~~Alex ORETI~~ and there appears to be discussion about the CCTV camera angles. I produce a document as exhibit **RJC/CCTV**, which shows before and after angles for each camera. Cameras 1 and 4 have not changed. The remaining 4 camera have been adjusted to restrict their view of the counter. Camera 2 which was covering shelves of alcohol now covers soft drinks and low value groceries. Camera 3 gives a worse view of the counter without improving the view of the fridge. Camera 5 was covering alcohol behind the counter but now gives a useless view of the door. Camera 6 was covering the counter, some alcohol and part of the fridge. It now covers nothing of interest. *px*

Signed: *R Cardew* (witness) Date: *17/11/2019*

Camera.CH01 – Before and after Adjustment (no change) EXHIBIT RIC/CCTV



Camera CH02 -- Before and after Adjustment



Camera CH03 -- Before and after Adjustment



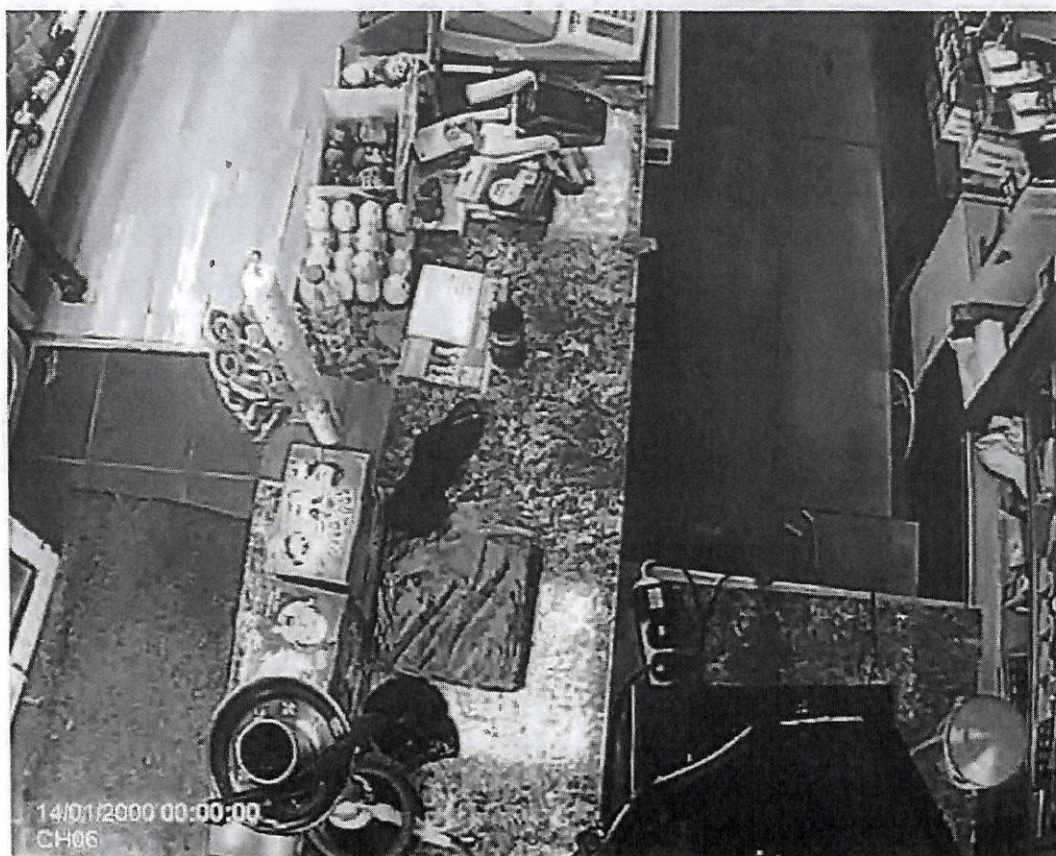
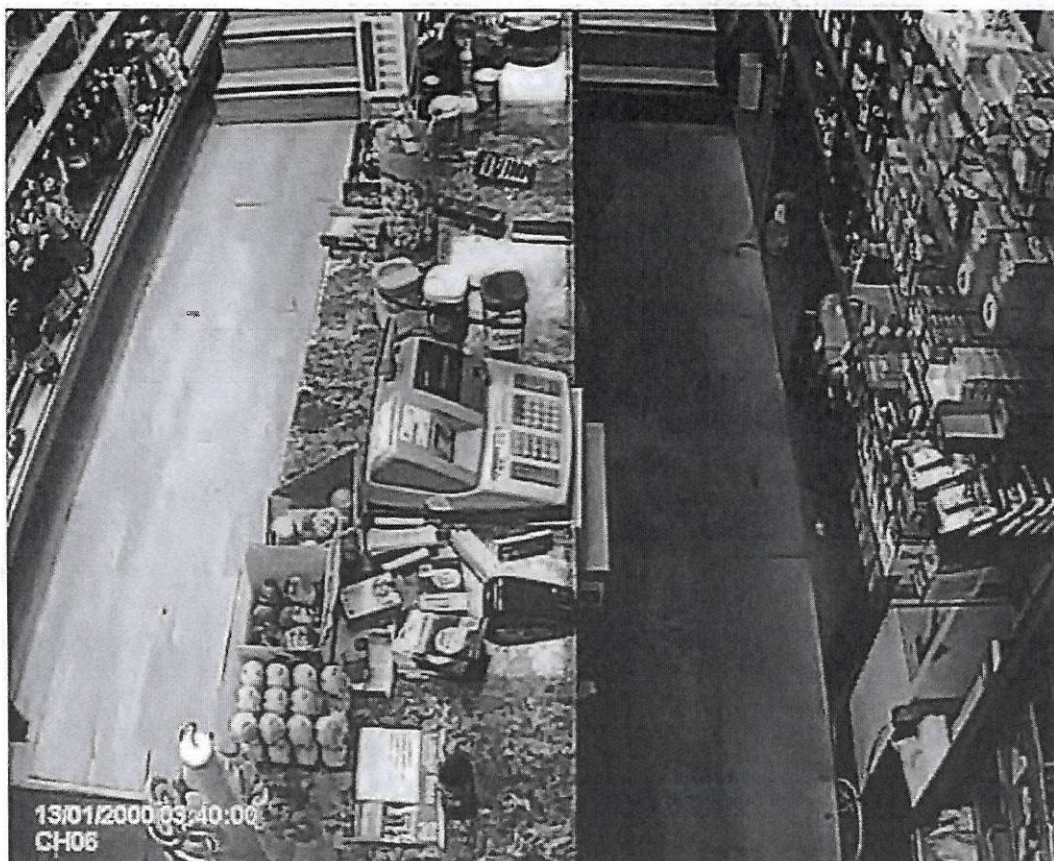
Camera CH04 – Before and after Adjustment (no change)



Camera CH05 – Before and after Adjustment



Camera CH06 – Before and after Adjustment



OFFICIAL

MG12

EXHIBIT LIST

R v 171 Barton street .. Czech & Slovak General stores

URN

* Tick if exhibit attached

Police property reference	Brief description of item (Indicate if copy)	Exhibit Reference No	Person producing and current location of exhibit	*
1	Copy of closure notice 4/11/19	MLH1	Person Producing: Hammond Current Location: Copy on file	
2	Copy of Licence for premises	MLH2	Person Producing: Hammond Current Location: Copy on file	
3	Letter re Premises visit 4/11/19	MLH3	Person Producing: Hammond Current Location: Copy on file	
4	Letter re Failed TP	MLH4	Person Producing: Hammond Current Location: Copy on file	
5	Authorization to role letter	RB1	Person Producing: Barnett Current Location: Copy with officer	
6	Images from premises cctv	RJC/CCTV	Person Producing: Cardew Current Location: Copy on file	

Date of completion:



10/2011

OFFICIAL

Page 1 of 1

GLoucestershire Constabulary

Station. Hucknall

J1 No. 2 Item No. 2

O.I.C. Hammond M L

Identification Ref No. _____

Court Exhibit No. MLH2

R-v. 171 BOSTON street

Description Printed copy of license.

Time / Date 4/11/19 Seized / Produced _____

Where seized / Produced Hucknall Stn

Seized / Production By _____

Hammond 1186

Signed MLH

Incident Crime No. _____

Major incident item No. _____

Laboratory Ref _____

P27B (3/15)

GLoucestershire Constabulary

Station. Hucknall

J1 No. _____ Item No. 1

O.I.C. Hammond

Identification Ref No. _____

Court Exhibit No. MLH1

R-v. 171 BOSTON street

Description sig closure notice signed.

Time / Date 4/11/19 Seized / Produced _____

Where seized / Produced Hucknall police stn

Seized / Production By _____

Hammond 1186

Signed MLH

Incident Crime No. _____

Major incident item No. _____

Laboratory Ref _____

P27B (3/15)

GLoucestershire Constabulary

Station. Huckle

J1 No. 4 Item No. 4

O.I.C. Hammard 1156

Identification Ref No. _____

Court Exhibit No. MLH4

R-v. 171 Barton St

Description _____

FAVIO TP LATER

Time / Date 8/11/19 Seized / Produced _____

Where seized / Produced _____

Huckle Stn

Seized / Production By _____

Hammard 1156

Signed [Signature]

Incident Crime No. _____

Major incident item No. _____

Laboratory Ref _____

GLoucestershire Constabulary

Station. Huckle

J1 No. 3 Item No. 3

O.I.C. Hammard 1156

Identification Ref No. _____

Court Exhibit No. MLH 3

R-v. 171 Barton St

Description _____

License Check issue

letter

Time / Date 6/11/19 Seized / Produced _____

Where seized / Produced _____

Huckle Stn

Seized / Production By _____

Hammard 1156

Signed [Signature]

Incident Crime No. _____

Major incident item No. _____

Laboratory Ref _____

**CLOSURE NOTICE
(UNLICENSED PREMISES)**

(Section 19 of the Criminal Justice and Police Act 2001
as amended by Schedule 6 of the Licensing Act 2003)



Gloucestershire Constabulary

DETAILS OF NOTICE SERVICE AND PREMISES:

Police Force: Gloucestershire Constabulary

Date of Closure Notice:

4th NOVEMBER 19

Time Served:

1320

Officer issuing Notice:
(Rank, Collar No. & Name)

PC 1156 Hammond

Signature:

[Signature]

NAME & ADDRESS OF THE AFFECTED PREMISES:

Czech + Slovak General Store, 171 Barton St, GLAS

DETAILS OF ALLEGED UNAUTHORISED USE OF THE PREMISES [SECTION 20(6)(A)]:

No CCTV Recorder - unable to comply with
Licence.

Effect of Section 20(6)(b) of the Act (see overleaf for full details):

Under Sec 20 of the Act, an application for a Sec 21 Closure Order may be made to Cheltenham Magistrate's Court, unless the above use of the above premises has ceased and there is no reasonable likelihood that it will be so used in the future. Steps that can be taken to ensure this are suggested below.

STEPS WHICH MAY BE TAKEN TO END THE ALLEGED UNAUTHORISED USE OF THE PREMISES, OR PREVENT IT FROM RE-OCCURRING [SECTION 20(6)(C)]:

Install CCTV system.

THE PERSON (IF APPLICABLE) ON WHOM THE CLOSURE NOTICE HAS BEEN SERVED:

Name:

ALEX CARETV.

Signature:

[Signature]



Gloucestershire Constabulary
County Police Headquarters,
No. 1 Waterwells, Waterwells Drive,
Quedgeley, Gloucester, GL2 2AN

Tel: 101 www.gloucestershire.police.uk

OFFICIAL

Mr Bledar Ferizzoli
171 Barton street
Czech & Slovak general stores
GL1 4HT

6TH November 2019

Dear Sir

Re s19 closure notice dated 4th November 2019 at your premises (171 Barton St)
I attended your premises and conducted a licenced premises check during which the following breaches were noted

1. No incident book was present.
2. No refusals book was present.
3. No training records were able to be produced.
4. The cctv system multi camera display panel revealed there were no external cameras as required on the licence.
5. The system had no hard drive or recording capability.

This letter is to inform you that these issues have been noted on our records for your premises and you should take immediate effects to rectify them .

Should you need any help or advices on any licensing issue please do not hesitate to contact me.

Yours sincerely

Pc 1156 Hammond
Licensing officer Gloucester Police

01452 272816

Mlh3

OFFICIAL



Gloucestershire Constabulary
County Police Headquarters,
No. 1 Waterwells, Waterwells Drive,
Quedgeley, Gloucester, GL2 2AN
Tel: 101 www.gloucestershire.police.uk

OFFICIAL

Mr Bledar Ferizzoli
171 Barton street
Czech & Slovak general stores
GL1 4HT

8TH November 2019

Dear Sir

Re Test Purchase Failure 5th November 2019 at your premises (171 Barton St)

As you are aware on the above date Alex CRETU sold alcohol to an underage male without asking for age verification or engaging in conversation with the male, this offence was admitted.

The sale of alcohol or cigarettes to an underage person is regarded as a serious offence as it places children at risk and fuels anti-social behaviour and crime in our communities. This letter therefore, affirms the seriousness with which the Constabulary views this offence.

Under the Licensing act 2003, the responsibility for alcohol sales rest with the Designated Premises Supervisor (DPS) and the Premises Licence Holder (PLH).

It is strongly recommended that both the DPS and the PLH immediately take all the necessary steps to ensure that no further underage sales occur. Please note that the penalty for convictions relating to underage sales and persistent underage sales is no longer a capped fine but is now an unlimited fine.

This letter is to inform you that a formal written warning has been noted on our records for your premises and you should also be aware that a further test purchase may well be undertaken in the near future.

Should you need any help or advices on any licensing issue please do not hesitate to contact me.

Yours sincerely

Pc 1156 Hammond

01452 272816

Mlh4

*****OFFICIAL*****

Police Incidents

Premise Linked

Incidents last year (2)

ID	Date	Time	Type	Description
39344	04/11/2019	19:20	AFFRAY, GBH	BIG FIGHT IN THE STREET, OFFENDERS IN THE STORE 5 OR 6 MALE..
39345	30/10/2019		ABH	DPS ACCUSED OF HITTING SOMEONE WITH A METAL CHAIN INSID..

Barton Street

**Incidents recorded on Barton street for 1 month prior .. not linked to premises
but indication that it is a busy policing area .**

GSC OFFICIAL

Place Search

Place : BARTON STREET GLOUCESTER

Period : 20OCT2019 - 20NOV2019

No. Of Records : 61

Incidents recorded for Barton street for a 1 year period .. not linked to premises

GSC OFFICIAL

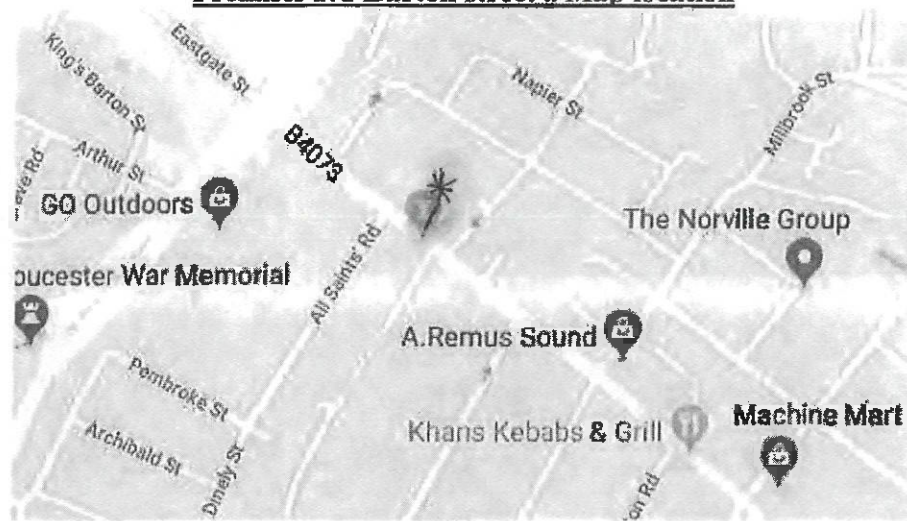
Place Search

Place : BARTON STREET GLOUCESTER

Period : 20OCT2018 - 20NOV2019

No. Of Records : 1045

Premises 171 Barton street., Map location



Images



2

