

**Application for an Objection to the transfer
of a Premises License and the transfer of a
Designated Premises Supervisor**

**Zielona Zabka
15 - 17 Sinfin Lane
Derby**

**Derby City Council
Licensing Panel Hearing**

Evidential Bundle



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Tel: 101
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Contact: PC 2168 Sulter
Direct Tel: 0300 122 5836
Ext:
Fax:
Our ref: LA03/19907
Your ref:

The Licensing Team
Environmental & Regulatory Services
Derby City Council
The Council House
Corporation Street
DERBY, DE1 2FS

Monday, 25 June 2018

Dear Sirs

**RE: APPLICATION FOR A TRANSFER DPS AND PREMISES LICENCE TRANSFER
ZIELONA ZABKA, 15-17 SINFIN LANE, DERBY**

I write with reference to the above applications received by the Police on 12 June 2018

I would be grateful if you would accept this correspondence as formal notification that the Chief Officer of Police wishes to make a representation to these applications.

The Licensing Authority will be aware that the application is to transfer the Premise Licence and to transfer the Designated Premise Supervisor to Ewelina Latif

It is the view of the Chief Officer of Police the granting of these applications will undermine the Licensing Objective, Prevention of Crime and Disorder. The above premise has been involved in criminal activity. On 26th January 2018 I attended the Premises along with Derby City Council Fair Trading Officer. Illicit tobacco products were seized. The current Premise Licence Holder and then Designated Premises Supervisor, Rizgar Latiff was summonsed to court over the matter. Mr Latif pleaded guilty to the offences and was sentenced on 21st June 2018.

The current applicant to become the new Premise Licence and Designated Premises Supervisor is Evelina Latif.

She is believed to be the current partner of Rizgar Latiff and share the same home address.

The Premises itself was also the subject of an illicit tobacco and alcohol seizure in January 2016. Latif was the PLH and DPS the time He was found guilty at court in October 2016.



'D' Divisional Headquarters Prime Parkway Chester Green DERBY DE1 3AB

At the moment there is no confidence that there has been any separation of the business and its previous criminal activity and the new applicant. The police have no confidence that Rizgar Latiff will not continue to have complete control over the premise and that the criminality will not continue. He has been convicted of two offences at Zielona Zabka in the last two years.

The applications were received after Rizgar pleaded guilty to the offences at court but prior to him being sentenced. It is the Police's belief that the current applications were submitted to prevent any negative outcome on the Premises Licence. Due to the two convictions linked to the Premises a full review may be undertaken.

For the reasons given above, the Chief Officer of Police submits that the proposed applications be refused.

Please take this correspondence as notification of a formal objection to the two applications for Zielona Zabka, 15-17 Sinfen Lane, Derby. A full file will be submitted for any hearing, if granted.

Yours faithfully



Mark Suiter
PC 2168
Licensing Enforcement Officer
'D' Division Licensing Department
St Mary's Wharf Police Station
Chester Green
Derby

mark.sulter.2168@derbyshire.pnn.police.uk

Witness Statement

Criminal Procedures Rules, R27.2; Criminal Justice Act 1967, S.9; Magistrates' Courts Act 1980, S.5B

URN 30 30/—/15

Statement of Mark Andrew Sulter

Age If under 18 over 18 (If over 18 Insert 'over 18') Occupation Police Office 2168

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:



Date: 09th July 2018

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

I am a Licensing Enforcement officer for 'South' Division of the Derbyshire Constabulary and I am currently stationed in the Licensing Section at St Mary's Wharf, Prime Parkway, and Derby.

I am currently responsible for licensing enforcement matters on behalf of the Derbyshire Constabulary for those premises, within 'South' Division, licensed under the Licensing Act 2003.

I am making representation on behalf of the Chief Officer of Police in regards of two applications from Ewelina Latif to transfer both the Premises Licence and the Designated Premises Supervisor (DPS). This is related to a premises named as Zielona Zabka. Both applications were to transfer from a Rizgar LATIFF to a person called Ewelina LATIFF. This is believed to be Rizgar's partner. The applications were received on the 12th June 2018.

The premise is a shop within a commercial and residential area

This application raises concerns that the Licensing objectives will be undermined. These concerns specifically relate to the prevention of crime and disorder. There have been two incidents of crime at the Premises since 2016, both involve contraband goods and have resulted in convictions against Rizgar LATIFF

The first relates to crime taking place at the Premises on the 9th April 2016. This involved the seizure of illegal tobacco, cigarettes and illicit alcohol after trading standards attended to check for illicit goods. Seized at the time were 5,350 cigarettes, 1.1 kg of hand rolling tobacco and bottles of non-duty paid alcohol. RIZGAR was not at the Premises at the time. The shop worker identified herself as Gabriela Agnieska. RIZGAR attended later that day and as a result of the find he was interviewed.

Signature



Signature witnessed by

Continuation of Statement of Mark Andrew Suiter

The Premises Licence holder and DPS at the time was Rizgar LATIFF.

A copy of an e-mail sent to Pc 2673 Hannah on the 6th July 2016 (page A1-A3) is attached. This was sent from Leanda Bailey, who at the time was a Fair Trading Standards Officer within Derby City Council and confirms the quantity of goods seized and the person responsible for the Premises

He admitted the offence was sentenced at court on the 15th November 2016. A copy of the e-mail chain received by Pc 2168 Suiter on 15th November 2016 is attached. This confirms the outcome at court (page A4-A5).

LATIFF received a £2000 fine for possession of 5350 cigarettes, 1.1 kg of hand rolling tobacco and one bottle of non-duty paid vodka. LATIFF's personal alcohol licence was not revoked by the Court. This is also evidenced on the Police National Computer system.

Seizures of illegal tobacco products and seizures of illegal alcohol and are both criminal activities. They are a loss of revenue to the Exchequer, are often of an inferior quality and the smuggling of contraband products is often linked to organised crime groups. This type of smuggling is highly organised and often involves the exploitation of vulnerable people. If there is no organised outlet for these goods then the market sale would be reduced.

On Friday 26th January, 2018 I attended the Premises along with Donna Dowse, Principle Trading Standards Officer and Ashley Crofts, Fair Trading Officer from Derby City Council. I have attached a copy of my statement to the file (See page A6).

A female was working at the store, she stated her name as Gabriella STEKZO. Illicit tobacco products were again seized from behind the counter. Seized from the box were eighty-one packets of a variety of cigarettes brands (x20) and one hundred grams of rolling tobacco. None of these products were packaged for sale in the United Kingdom. There were eleven different types of cigarettes and two types of hand rolling tobacco. An excerpt from a statement by Ashley Crofts confirms these quantities (Page A7-A8)

Whilst the tobacco was being seized, Mr LATIFF attended the Premises. He stated that the tobacco products were for his personal use and not for resale. The CCTV was checked by me. However it did

Signature *M.A. Suiter* Signature witnessed by

Continuation of Statement of Mark Andrew Suiter

not cover the cashier side of the Premises and nothing could be evidenced of when and how this box was used. Mr LATIF was still the nominated PLH and DPS.

He was interviewed and continued to state these products were not for resale to the general public and although they were a variety of makes and types they were for one customer to buy RIZGAR stated he had purchased or been given them but did not like them. A resume of the interview was presented at court (see A9). I do not give this story much credence and believe that the products were for sale and were seized as a result of a complacent vendor believing they would not be caught again.

On the 7th June 2018 Rizgar attended court and was found guilty at South Derbyshire Magistrates Court of two offences;

Being the holder of a Premises Licence keep/allow to keep goods unlawfully imported/ no duty paid

possess goods with false with false trade mark for sale or hire.

On 12th June the two applications were received by the Police.

On 21st June Rizgar was sentenced at court. An e-mail confirming the details is within the appendix (page A 10).

I have also checked the Police National Computer and confirmed these offences are now on the system.

He was ordered to pay £2242.07 in cost, complete 200 hours of unpaid work and his personal licence was suspended for three months

It is the belief of the Police that the applicant was fully aware of his second upcoming conviction and applied to transfer the Premises Licence and DPS in order to try and circumnavigate the possibility of a full review and potential revocation of the Premises Licence. Although his Personal Licence has been suspended for three months, once this period is over he can re-apply to become a DPS.

The holder of a Premises Licence does not have to hold a Personal Licence. At any review it is the Premises Licence Holder who is held to account for their actions in preventing any criminal activity. There is no distinction in this case between the two parties

Signature  Signature witnessed by

Continuation of Statement of Mark Andrew Sulter

The sale of tobacco takes place outside of any licensable activities obligations pertaining to the retail sale of alcohol. Many unlicensed Premises sell illegal tobacco products. However if a Premises has a Premises Licence to sell alcohol, it increases footfall and gains a wider audience to sell illegal tobacco products.

A Premise's without a licence may still conduct criminal activity including the sale of illegal tobacco products. However if a Premises has a liquor licence then this activity would be less noticeable to the general public.

The applicant has not provided any substantive information which would give the Police any confidence that these applications would not undermine the prevention of crime and disorder objective. The recent criminality and links between the applicant, the Premises and Rizgar Latif, continues to raise significant doubts that the licence application is made in good faith.

Objection regarding the transfer of a Premises Licenses are normally only made in exceptional circumstances. Only the Police may object to this transfer. The Police have objected to prevent the current PLH/DPS abrogating his responsibilities. There is no confidence the new PLH/DPS would not continue to allow crime at the Premises and in essence any such transfer would be in name only

Within the Licensing Act itself, section 144, there is a specific offence dealing with smuggled goods.

, A person to whom subsection (2) applies commits an offence if he knowingly keeps or allows to be kept, on any relevant premises, any goods which have been Imported without payment of duty or which have otherwise been unlawfully Imported.

(2) This subsection applies—

(a)...

(b) In the case of licensed premises, to—

(i) the holder of a premises licence in respect of the premises, and

(ii) the designated premises supervisor (if any) under such a licence,

The PLH on DPS are specifically identified as being held responsible in preventing this offence. This responsibility has been ignored on at least two occasions resulting in successful prosecutions.

Signature  Signature witnessed by

Continuation of Statement of Mark Andrew Sulter

The position of the Police is one of requesting that the panel rejects both of the applications. This will also enable the process of a full review to be undertaken by a Responsible Authority and directed against the current responsible person. A letter is attached from Trading Standards supporting this application (p 8-9)

The current PLH/DPS should be held accountable for his obligation and responsibilities as a PLH and DPS. He must not be able to absolve this duty by the simple medium of transferring the licence and paying lip service to his obligations under the Licensing Act 2005.

Signature *MA Sulter* Signature witnessed by



Derby City Council

**Mr. M Sulter PC 2168
Licensing Officer
Licensing Team
South Division HQ
Prime Parkway
Chester Green
Derby. DE1 3AB**

Our ref
Contact O Rees
Email Owen.rees@derby.gov.uk
Tel 01332 64 1999
Fax 01332 64 3299
Minicom 01332 64 0666
Date 22nd June 2018

Dear Sir,

**Licensing Act 2003
Licensing Application – DPS Change, Ewelina Latif
Licensing Application – Premises (Transfers), Zielona Zabka**

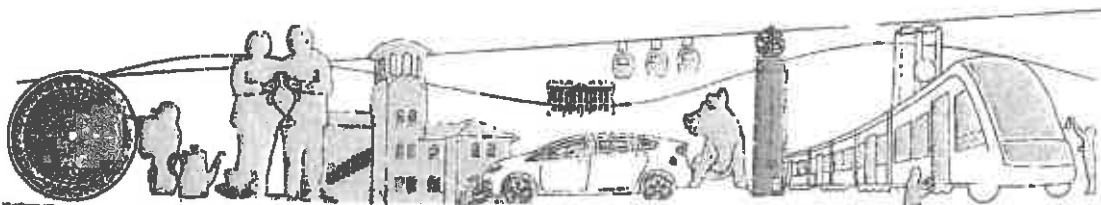
Derby City Council Trading Standards is aware that licensing applications have been submitted for the Transfer of a Premises Licence and a Designated Premises Supervisor Change (DPS) by a Mrs Ewelina LATIF. These relate to the premises called Zielona Zabka at 15-17 Sinfen Lane, Derby, DE24 9GP.

This letter outlines relevant information in respect of these applications. We believe that it will support any representations made by Derbyshire Police on the grounds that the key licensing objectives of prevention of crime and disorder and protection of children from harm will be undermined should the applications be approved.

With regard to the premises, Zielona Zabka, Trading Standards found illicit tobacco in possession for sale there in March 2016. Our records also indicate that a bottle of non-duty paid vodka was found on the premises. The owner of the business was a Mr Mohammed Rizgar LATIF and he was subsequently found guilty of offences in relation to the illicit tobacco.

In January 2018, during a further visit to the premises, illicit tobacco was again found in possession for sale. Mr LATIF, was found guilty of offences in relation to this tobacco.

Trading Standards | Communities & Place | The Council House. DE1 2FS | www.derby.gov.uk



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It is our understanding that Mr LATIF is the husband of Mrs Ewelina LATIF. We therefore consider it probable that even if the relevant licences are transferred to Ewelina LATIF, Rizgar LATIF will retain a significant level of day to day control over the business.

Given the offences found at the premises Zielona Zabka which were under the control of Mr LATIF and that Ewelina LATIF is his wife, we have no confidence that illegal activity will not occur in the future at this premises.

We would therefore support Derbyshire Police, should they submit representations to recommend refusal of these licence applications.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'O Rees', written in a cursive style.

O Rees
Trading Standards Officer

Appendix A.

Supporting paperwork

Suiter, Mark, 2168

From: Bailey, Leanda <Leanda.Bailey2@derby.gcsx.gov.uk>
Sent: 06 July 2016 11:22
To: Hannah, Kelvin, 2673
Subject: RE: Zielona Zabka

***** Before reading or acting on this e-mail, or opening any attachment, please read Derby City Council's disclaimer and confidentiality statement at the end of this e-mail *****

Employee on premises:

Gabriela Agnieszka date of birth [REDACTED]
Derby.

See below email where found and the alcohol was found in shop and garage/storage room. The large black shoulder bag was carried by Gabriela

On the 9/3/16 (sorry I said the 10/3/16 earlier checked it was actually the 9/03/16) Mohammed Latif arrived later and was questioned by John Pope TSO and signed the notices and the surrender form. Just spoke with Sandra after the deadline we can submit evidence 28 days before committee. She did say difficult to withdraw the objection so I will speak with Doug and Legal later today

Thanks

Leanda Bailey | Fair Trading Officer - Trading Standards | Communities Environment and Regulatory Services | Communities and Place | Derby City Council, The Council House, Corporation Street, Derby, DE1 2FS | Telephone 01332 641987 | Mobile 07812 300449 | Minicom 01332 256666 | www.derby.gov.uk

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From: Hannah, Kelvin, 2673 [mailto:Kelvin.Hannah.2673@derbyshire.pnn.police.uk]
Sent: 06 July 2016 10:00
To: Bailey, Leanda
Subject: RE: Zielona Zabka

That's great Leanda,

Can you just confirm who was in charge and took responsibility and where the items were found, just a few lines please for the bare bones.

Thanks

Kelvin Hannah
PC 2673
Licensing Enforcement Officer
Licensing Team
D Division HQ
Prime Parkway

Chester Green
Derby DE1 3AB

* Mobile 07736083895
* Tel : 0300 122 5643
* Internal 75 02673
* Fax 0300 122 8862

Email kelvin.hannah.2673@derbyshire.pnn.police.uk

From: Bailey, Leanda [<mailto:Leanda.Bailey2@derby.qcsx.gov.uk>]
Sent: 05 July 2016 16:15
To: Hannah, Kelvin, 2673
Subject: Zielona Zabka

*** Before reading or acting on this e-mail, or opening any attachment, please read Derby City Council's disclaimer and confidentiality statement at the end of this e-mail ***

On 10/03/16 Planned day of action Tobacco

Behind the counter:

2 x 50g Amber Leaf HRT
1 x 20 Malbora
4 x 20 Slim Blue L&M Link
7 x 20 L&M Blue fine Cut
1 x 20 L&M Mint Slim
Total = 260 Cigarettes
100g HRT

Large Black shoulder bag:

6 x 20 L&M Link Slim
1 x 20 L&M Mint
5 x 20 PECT
7 x 20 Malbora gold
7 x 20 L&M Fine Cut
1 x L&M Designer Edition
Total: 540 cigarettes

Garage/storage:

20 x 50g Amber Leaf
72 x 20 PECT Cigarettes
21 x 20 Malbora Red
54 x 20 L&M Fine Cut Blue
58 x 20 Malbora Gold
10 x 20 L&M Link Mint
10 x 20 L&M Link Slim
1 x 20 L&M Red
1 x 20 NZ Gold
Total : 1kg HRT
4540 Cigarettes

Overall Total of Illicit Tobacco found behind counter, in the handbag
and garage =

1.1Kg HRT
5340 Cigarettes

0903/JPO/3

3 x Cases of vodka - no visible duty mark present

2 cases sealed with tag reference TB007809

1 case sealed with tag reference TB007808

0903/JPO/4

6 x 700ml Finlandia Grapefruit Vodka - no visible duty mark present

Seal Reference TB007807

0903/JPO/5

3 x 700ml Zoladkowa Gorzka - no visible duty mark present

Seal Reference TB007806

0903/JPO/6

2 x 700ml Zoladkowa Du Luxe - no visible duty mark present

Seal Reference TB007805

0903/JPO/7

2 x 700ml Zubrowka Biala - no visible duty mark present

Seal Reference TB007804

0903/JPO/8

3 x 700ml Finlandia Vodka - no visible duty mark present

Seal Reference TB007600

0903/JPO/9 NB This item was seized from inside the shop

1 x 700ml Finlandia Grapefruit Vodka - no visible duty mark present

Seal Reference TB007778

Total alcohol seized 35 x 700ml bottles = 24.5 Litres (smuggled)

Thanks

Leanda Bailey | Fair Trading Officer - Trading Standards | Communities Environment and Regulatory Services | Communities and Place | Derby City Council, The Council House, Corporation Street, Derby, DE1 2FS | Telephone 01332 641987 | Mobile 07812 300449 | Minicom 01332 256666 | www.derby.gov.uk

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Suiter, Mark, 2168

From: Pope, John <John.Pope@derby.gcsx.gov.uk>
Sent: 15 November 2016 10:42
To: Suiter, Mark, 2168
Subject: FW: Mohammed Latif [O]

*** Before reading or acting on this e-mail, or opening any attachment, please read Derby City Council's disclaimer and confidentiality statement at the end of this e-mail ***

Classification: OFFICIAL

Hi Mark,

Apologies if this has already made its way to you.

Regards

John

John Pope | Trading Standards Officer | Trading Standards | Neighbourhoods | Derby City Council, Ground Floor,
Council House, Corporation Street, Derby, DE1 2FS | Telephone 01332 642404 | Minicom 01332 256666 |
www.derby.gov.uk

Classification: OFFICIAL

From: Keeler, Lucie
Sent: 20 October 2016 12:29
To: Pope, John; Walkman, Doug
Cc: Whittaker, Diane
Subject: Mohammed Latif [O]

Classification: OFFICIAL

Dear John and Doug

I today attended court to prosecute the matters for Mr Latif. We were in front of District Judge Taafe in court 3.

He attended and was represented by the duty solicitor Mr Wetton. He entered guilty pleas to all offences. I outlined the facts of the case to the judge and provided the corporate impact statement to him, in addition I reminded him of his powers under 129 Licensing Act 2003 in respect of suspension or forfeiture of Mr Latif's personal licence.

Mr Wetton mitigated on behalf of Mr Latif (did not really say much at all)

DJ Taafe stated that out of all the offences he took a less serious view of the alcohol offence and stated that he did intend to revoke or suspend his personal licence as he did not feel that there has been a clear pattern of relevant offences as a licensee has been shown.

He then went on to say that the tobacco and cigarette offences were serious offences because the perception is that the sale of these items without duty paid do not really matter, but that they do for the following reasons –

- The loss to the revenue throughout the country especially Derby being a hotspot for these types of offences is significant and that if people did not sell them there would be no market.
- Public safety angle, real risk when they are not manufactured to British Standards, the fire risk for them not extinguishing as they should.

He went on to say that someone who saves £1 on a 20 pack thinks he has a good deal until he has health issues arise or there is a house fire.

In his own words he said "Mr Latif you were bang at it for additional income"

He sentenced as follows

Offence under 144 LA 2003 - £50 fine

Three offences in respect of cigarettes and tobacco - £500 fine per offence

Victim surcharge £50

Costs £2071.20

Forfeiture and destruction of cigarettes, tobacco and 1 bottle of vodka.

A collection order was made and he is to pay £150 a month to clear it.

John, given the alcohol found in the lock up did not form part of any charges this will have to be returned to Mr Latif, perhaps with the warning that he is aware that this is not to be sold within his premises.

Should you wish to discuss any of the above please do not hesitate to contact me.

Kind regards

Lucie

Lucie Keeler | Solicitor | Legal Services | Organisation and Governance Directorate | Derby City Council, The Council House, Corporation Street, Derby, DE1 2FS | Telephone: 01332 643582 | Fax: 01332 643299 | Minicom: 01332 640666 | www.derby.gov.uk

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Classification: OFFICIAL

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Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

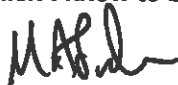
URN 30 30/-/16

Statement of Mark Andrew Suiter

Age If under 18 over 18 (If over 18 Insert 'over 18') Occupation Police Officer 2168

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:



Date: 16/02/18

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

On Friday 26th January 2018, at around 10am, I attended Zielona Zabka, 15-17 Sinfin Lane Derby. I attended along with Donna DOWSE Principle Trading Standards Officer and Ashley CROFTS Fair Trading Officer, from Derby City Council.

On entering the Premises there was one person at the counter. She identified herself as Gabriella STECKZO and was the shop worker there.

STECKZO was informed that this visit was being conducted with regards to tobacco products. As a result of this she stated there was a box behind the counter. Ashley CROFTS seized an open cardboard box, containing an assortment of tobacco products, from behind the counter. STECKZO stated they belonged to Rizgar LATIF, whom she worked for. LATIF is the current Designated Premises Supervisor at the Premises. As such he should be in day to day control of the off licence.

I then searched the shop in the areas open to the public and small room to one side which was the staff toilet. Attached to the Premises is a garage which is used as a store for goods. This was also checked. No further illegal tobacco products were located.

Seized from the box were eighty-one packets of a variety of cigarettes brands (x20) and one hundred grams of rolling tobacco. None of these products were packaged for sale in the United Kingdom.

Whilst seizing the tobacco, Mr LATIF attended the Premises. He stated that the tobacco products were for his personal use and not for resale.

Signature



Signature witnessed by

COMMUNITIES AND PLACE DIRECTORATE



STATEMENT OF WITNESS

Criminal Procedure Rules 2015, part 16; Criminal Justice Act 1967
s9; Magistrates' Courts Act 1980, s5B

DERBY CITY COUNCIL

Statement of: Ashley Linds Crofts

Age of Witness: Over 18

Occupation of Witness: Fair Trading Officer

This statement, consisting of pages signed by me, is true to the best of my knowledge and belief. I make it knowing that if it is presented in evidence, I shall be liable to prosecution if I have willfully stated in it, anything which I know to be false or do not believe to be true.

Dated:

Signed:

I am the above named person and I am employed by Derby City Council Trading Standards Service as a Fair Trading Officer. On 26th January 2018, at approximately 09.45am, I visited Zielona Zabka, 15-17 Sinfin Lane, Derby, DE24 9GP with Principal Trading Standards Officer Donna DOWSE and PC (2168) Mark SUITER. When we entered the store, a lone female appeared to be working there and was stood behind the counter. I now know the female to be Gabriella STECZKO. I showed Ms STECZKO my warrant card and introduced the three of us. As I began completing the Notice of Powers and Rights, I remained at the counter area, and PTSO DOWSE and PC SUITER began searching the premises for any illicit tobacco. At approximately 10.00am, I asked Ms STECZKO whether there was any tobacco for sale on the premises which was not placed in the gantry behind the counter. She told me there was a box of cigarettes behind the counter which was belonged to her boss and that he would be arriving in approximately half an hour to collect it. I went behind the counter and found an open cardboard box which contained various brands of cigarettes and hand rolling tobacco. I took a photograph of the box sitting behind the counter area. When I picked the box up and placed it on the counter top, I could see that none of the packets of tobacco appeared to be packed in plain packaging, as required by the Tobacco and Related Products Regulations 2016. I took another photograph of the box on the counter. Ms STECZKO told me that her boss was called Mr LATIF and his mobile phone number was 07448 444384. As PTSO DOWSE and PC

Signed: Witnessed by:

COMMUNITIES AND PLACE DIRECTORATE



STATEMENT OF WITNESS

Criminal Procedure Rules 2015, part 16; Criminal Justice Act 1967
s9; Magistrates' Courts Act 1980, s5B

DERBY CITY COUNCIL

SUITER returned to the counter area, they told me that they had not identified any illicit tobacco elsewhere in the shop. I showed them the box of illicit tobacco which Ms STECZKO to me were behind the counter area. As the tobacco products were being grouped together into their separate brands, a male arrived at the premises, who I now know to be Mr Rizgar LATIF. Mr LATIF is known to be the Designated Premises Supervisor for the purposes of the Licensing Act 2003 of Zielona Zabka. Mr LATIF told me that he was the owner of Zielona Zabka. I seized the cigarettes and tobacco in his presence as I suspected that the goods did not comply with the Tobacco and Related Products Regulations 2016. I also required these goods as evidence to establish whether the items contravened the Trade Marks Act 1994. I produce the following exhibits as evidence:

AC/ZZ/1	80 x Marlboro Red cigarettes
AC/ZZ/2	260 x PECT cigarettes
AC/ZZ/3	260 x Marlboro Gold cigarettes
AC/ZZ/4	120 x Minsk City cigarettes
AC/ZZ/5	100 x Rothmans of London cigarettes
AC/ZZ/6	100 x NZ Black cigarettes
AC/ZZ/7	320 x L&M Blue Label cigarettes
AC/ZZ/8	100 x L&M Link Green cigarettes
AC/ZZ/9	80 x L&M Link Forward cigarettes
AC/ZZ/10	80 x Richmond King cigarettes
AC/ZZ/11	120 x L&M Link Blue cigarettes
AC/ZZ/12	50g Amber Leaf Hand Rolling Tobacco
AC/ZZ/13	50g Finest Virginia Hand Rolling Tobacco

Details of the items seized were recorded within premise search book 0019 and Mr LATIF also signed a surrender of goods form. We left the premises at approximately 10.50am. Later on the same day, I attended the secure exhibits store where I booked in exhibits AC/ZZ/1 – AC/ZZ/13. At the same time, I also produced the following exhibits as documentary evidence:

Signed: Witnessed by:

Sulter, Mark, 2168

Subject:

FW: Objections Zielona Zabka

From: Crofts, Ashley [<mailto:Ashley.Crofts@derby.gcsx.gov.uk.cjsm.net>]

Sent: 03 July 2018 16:44

To: Sulter, Mark, 2168

Subject: [CJSM] RE: Objections Zielona Zabka

Hi Mark,

Thank you for your email.

Unfortunately I didn't note STECKZO's address or DOB as LATIF turned up rather quickly and we ended up dealing with him. I suspect that it is the same person, however, I couldn't be 100% sure.

Below is my summary of the PACE interview which was read out in Court during the prosecution. In a nutshell, his defence was that he was going to sell the products in the box to one customer rather than on an individual basis to lots of customers:

Mr LATIF was invited to attend PACE interview on 15th February 2018. Questions were put to LATIF in respect of possessing illicit tobacco products for supply which were found on his retail premises. LATIF did not have legal representation during the PACE interview.

Mr LATIF stated that the tobacco products seized from Zielona Zabka on 26th January were not on the premises for individual sale. Mr LATIF stated that he had taken them into Zielona Zabka the previous day and kept them there overnight as a customer he knows well was going to view the products and potentially buy them all from him, as he wanted to get rid of them. Mr LATIF insisted that the shop worker Gabriella was told not to sell the seized tobacco products, as they were for the one well known customer. Mr LATIF pointed out that the products were not hidden and were easily found and said that he no longer sold illicit tobacco products following his previous prosecution.

Mr LATIF said he was in possession of the tobacco products for some time and did not like the taste of some of the brands, hence why he intended to sell them to the one customer. Mr LATIF said that when customers returned to the UK from holiday, they sometimes offered him the chance to buy some extra packets for his personal use. Mr LATIF said that the goods seized from Zielona Zabka were a surplus of his personal use.

Mr LATIF said that it was unlucky that this Service visited on the day we did, as illicit tobacco products are not usually on the premises.

I hope at least the PACE information assists you. If you think of anything else, do let me know.

Thanks.

Kind regards,

Ashley Crofts | Fair Trading Officer | Communities, Environment & Regulatory Services | Communities & Place | The Council House, Corporation Street, Derby, DE1 2FS | Tel: 01332 641972 | Secure Email: Ashley.Crofts@derby.gcsx.gov.uk | Minicom 01332 256666 | www.derby.gov.uk

Suiter, Mark, 2168

From: Crofts, Ashley <Ashley.Crofts@derby.gcsx.gov.uk.cjsm.net>
Sent: 21 June 2018 12:12
To: Suiter, Mark, 2168
Subject: [CJSM] Rizgar LATIF - Zielona Zabka

Hi Mark,

[REDACTED]

Just to let you know, the outcome today was as follows:

- Community Order for 200 hours of unpaid work
- Total costs awarded £2242.07
- Victim Surcharge applied £85
- Suspension of his personal license for 3 months
- Forfeiture and destruction awarded for illicit goods.

Thanks.

Kind regards,

Ashley Crofts | Fair Trading Officer | Communities, Environment & Regulatory Services | Communities & Place | The Council House, Corporation Street, Derby, DE1 2FS | Tel: 01332 641972 | Secure Email: Ashley.Crofts@derby.gcsx.gov.uk | Minicom 01332 256666 | www.derby.gov.uk



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