

Ref: Trading Standards Review – Polska Chata



Creating a safer  
**Cambridgeshire**

Wednesday 21<sup>st</sup> February 2019

Michelle Bishop  
Licencing Officer  
Fenland District Council  
Fenland Hall  
County Road  
March  
PE15 8NQ

Dear Michelle,

Re: Trading Standards review application – Polska Chata 50 Market Place, Wisbech PE13 1DP

On the 06<sup>th</sup> February 2019 Cambridgeshire Constabulary received notification of a Licencing review application submitted by Kirsty Draycott of Cambridgeshire & Peterborough Trading Standards Service. The review application refers to the 'Off' Licensed premises called 'Polska Chata', otherwise known as 'Little Europe', 50 Market Place, Wisbech, PE13 1DP. The Premises License reference PLA417, issued by Fenland District Council, is held by Mr. Omar Ali Ahmed (PLH), 9 Railway Road, Wisbech, PE13 2QA. The Designated Premise Supervisor (DPS) is Mr. Jamshid Ahmad Ali of 119 London Road, Kings Lynn, Norfolk, PE30 5ES, who holds an alcohol personal license reference 16/00970/LA\_PER issued by Kings Lynn & West Norfolk Council.

The Premises License allows for the 'Off' sale of alcohol between 09:00hrs and 21:00hrs Monday to Saturday and 10:00hrs to 18:00hrs on Sunday. The Premises License has numerous conditions consistent with the running of an 'Off' License. Further conditions were added on 28 January 2013 following a hearing by the Licencing Authority.

I am aware that on 07<sup>th</sup> November 2018 a test purchase was conducted at the premises whereby a purchase was made of non-duty paid illicit tobacco.

At 16:10hrs on the 23<sup>rd</sup> January 2019 I accompanied Trading Standards and HMRC in a joint Operation where we executed a search warrant at the premises. An Iranian male was sat behind the till with a Lithuanian female stood next to him both behind the service counter. The male identified himself as Azad Rasul 11/02/1992 of 4 Dagless Way, March, PE15 8QY. He is also known as Mishi Rasul. He denied working at the shop. The female initially gave false details, but when pressed by myself to produce identification she was identified as Diemante Jurkeviciute 14/07/1999 of 12 Opportune Road, Wisbech. She confirmed she works at the shop for a male called Antonis Usupnieks of 8 Chequers Court, Bronze Street, March, PE15 8UF. She had never heard of the PLH or DPS associated with the premises license.

Enquiries continued with Rasul and Jurkeviciute, who remained furtive and uncooperative. Both denied having keys to the shop or the rear door which was suspected of being a store room. When I suggested a person search would be conducted Rasul bolted and ran away from the shop. It is believed he had the

keys to the shop on him. However entry was gained via the outside rear of the building, and with the support of tenants located upstairs the door was unlocked and opened. Numerous items of illicit cigarettes and rolling tobacco were found behind the door.

I carried out a full compliance inspection of the premises. I was unable to contact either the PLH or DPS, and the shopkeeper – Jurkeviciute - confirmed she had never heard of them. Numerous breaches to the Premises License were identified namely:

Annex 2 – Conditions Consistent with the Operating Schedule –

- a. CCTV insufficient and unable to be worked by staff contrary to Condition 1. (Seized by Trading Standards).
- b. No age verification scheme in place or advertised contrary to Condition 2.
- c. No refusals book in operation contrary to Condition 3.

Annex 3 – Conditions Attached after a Hearing by the Licensing Authority – Determined at a Licensing Hearing held on 28 January 2013 –

1. No single can/bottle sales of beer, lager or cider – **Numerous single cans and bottles of beer, lager and cider on display and offered for sale.**
2. No sales of beer, lager or cider over 6% ABV – **Cans identified over 6.5%Abv on display and offered for sale.**
3. No sales of chilled beer, lager or cider in order to reduce the possibility of drinking within the vicinity of the premises – **all cans and bottles of alcohol in a chiller cabinet.**
4. All alcohol items to contain a price label which will include the name of the shop – **no items were found that readily identified the shop as point of sale.**
5. CCTV cameras to be installed inside the premises covering all public areas inside the shop during opening hours. This should include that CCTV will be maintained and recordings should be held for a minimum of 31 days, and be made available to the police or authorised person immediately on request, and be supplied in a readily transportable media or in any case within 48 hours – **not compliant – CCTV was present but could not be worked or used by Jurkeviciute.**
6. CCTV cameras will be installed outside the premises covering the front door and area immediately outside the shop – **no cameras installed.**
7. A Personal Licence Holder to be employed at the premises by the DPS during any absence of the DPS from the United Kingdom – **No DPS readily identifiable; No DPS authorisation list and Jurkeviciute did not have a personal License.**
8. Age verification policy “Challenge 25” to be in place whilst such a scheme is in operation and all staff members to be trained – **No age verification policy in place.**
9. There shall be training records maintained on the premise that will be produced to a police officer or authorised officer on request – **Non-existent.**
10. There shall be an incident and refusal book maintained on the premise that will be produced to the Police or authorised officer on request – **Non-existent.**
11. Written authorisation is in place for the sale of alcohol in the absence of the DPS or other Premises Licence Holder which will be produced to a police officer or authorised officer on request – **Not found.**

In light of the issues identified at the premises I issued Jurkeviciute with a formal letter warning that any future sale of alcohol would constitute a S.136 offence in accordance with the Licensing Act 2003 for which the maximum penalty for committing this offence is an unlimited fine and/or 6 months in prison. (See supporting documentation). It has since come to my attention that the existing Premises License holder alleges he sold the business on some time ago (third party information – unverified).

Cambridgeshire Constabulary fully support the ongoing operation and partnership with Trading

Standards and HMRC in a positive effort to prevent and deter illicit / counterfeit cigarettes and alcohol being sold or supplied in Cambridgeshire.

We take a very serious view on the sale of illicit / counterfeit goods. This is a serious breach of the licencing objective to prevent crime and disorder, and does not promote public safety. Such crime has a detrimental effect upon the immediate community and can be harmful to unwitting customers including children. Foreign cigarettes and hand rolling tobacco are not subject to the strict regulation and control measures that would benefit UK authorised sale items and in most cases have not had UK duty paid on them. Distribution and sale of illicit / counterfeit goods is linked to serious and organised crime and nationally is a drain on the economy.

*Section 182 Guidance - Licensing Act 2003 Para 11.27 states –*

*“There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously”.*

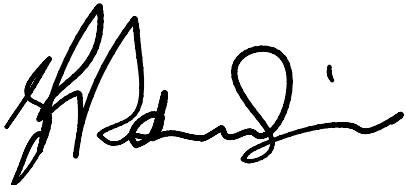
*This includes amongst other criminal activity –*

*“The sale or storage of smuggled tobacco and alcohol”.*

*Para 11.28 states –*

*“It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered”.*

**Cambridgeshire Constabulary support Trading Standards with their review application and also ask for the Licensing Sub-Committee to seriously consider further issues identified at the premises and revoke Premises licence PLA417 with immediate effect.**



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