

TRADING STANDARDS SERVICE

Witness Statement

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


Statement of: Paul Lee

Age if under 18: Over 18

Occupation: Senior Trading Standards Enforcement Officer

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

Dated 31st January 2020

Signature 

I am employed by the London Borough of Brent, as a Senior Trading Standards Enforcement Officer and as such I am authorised to enforce certain legislation which allows me to enter business premises and inspect goods, via powers conferred to me by the Consumer Rights Act 2015. I am also authorised to enforce certain requirements of the Licensing Act 2003.

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On 19th December 2019, I received a telephone call from Police Sergeant Mike Sullivan.

P.S. Sullivan informed me that whilst he and his colleague Police Sergeant Damien Smith were conducting a licensing visit at VNG Retails Limited T/A North Wembley News they had discovered a quantity of tobacco products that did not have the correct health warnings applied to their packaging and were not in standardised packaging. P.S. Sullivan also informed me that he had also discovered large stocks of alcohol that the person in control of the premise had admitted to purchasing from a 'white van man' without any receipts.

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Signature 

E31 Sept 2003

Continuation of witness statement of : Paul Lee

Acting on the information provided by P.S. Sullivan myself and my colleague; Paul Harris –
15 Senior Enforcement Officer attended North Wembley News located at 129 East Lane,
Wembley, HA9 7PB.

We entered the shop at approximately 13:25 hrs. and after speaking to P.S. Sullivan and P.S.
Lewis I introduced myself to an Asian gentleman behind the till and showed him my
20 identification card and warrant. The gentleman gave his name as Mr Namasivayam
Gengatharan. Mr Gengatharan informed me that he was a director of VNG Retails limited. I
informed Mr Gengatharan that I would be conducting a search of his premise due to the
fact that the Police Officers had discovered illicit tobacco products in his storeroom. P.S.
Sullivan confirmed with me that Mr Gengatharan had informed him that the illicit tobacco
25 and alcohol had been purchased from a 'man with a van' and that no invoices had been
provided.

P.S. Lewis showed me 2 cardboard boxes containing tobacco products that had been
discovered in the rear storeroom. Upon examining the tobacco products, I discovered that
30 the unit packs of cigarettes and pouches of hand rolling tobacco were not in standardised
packaging and did not have the correct statutory health warning applied to them, thus
making them non-complaint with the requirements of The Standardised Packaging of
Tobacco Products Regulations 2015 and The Tobacco and Related Product Regulations
2016.

Signature 

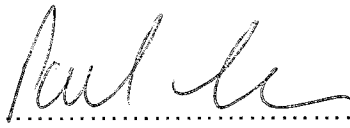
E31 Sept 2003

Continuation of witness statement of : Paul Lee

35 I informed Mr Gengatharan that possession of such non-compliant tobacco products could constitute a criminal offence, and as such I would be seizing the products as evidence. Mr Harris then photographed the products, itemised them and then placed them in evidence bags that were later sealed. In total 360 unit packs of non-complaint cigarettes were seized together with 31 unit packs of non-complaint hand rolling tobacco.

40 Whilst carrying out our search at the premise I noticed that the 2 of the refrigerated display units contained high strength beers. When I discussed this with P.S. Lewis he confirmed that one of the licensing conditions of the shop was that no high strength beer, lagers or cider (above 5.5% ABV) were to be stocked, apart from premium beers. A large quantity of beers, 45 lager, cider and spirits in cases were being kept in the rear storeroom and the amount of alcoholic products stored far outweighed the small capacity of the actual premise retail area. The rear storeroom was in a poor condition with boxes of crisps, bottles of spirits and cases of beers all randomly and precariously stacked. There was also clear evidence of some rodent infestation with droppings, urine and gnawed food packaging all being visible. A bag 50 containing 'sticky paper' rodent traps was also observed in the storeroom. At the time of our visit it was raining heavily and the roof of the storeroom was leaking with water dripping down next to the fluorescent ceiling light being collected in a bucket.

The alcoholic and non-alcoholic drinks were also being stockpiled in the garden area. Cases 55 of drink were stored on the grassed area with only tarpaulins and plastic board barely protecting them from the elements.

Signature 

E31 Sept 2003

Continuation of witness statement of : Paul Lee

Whilst at the premise I took a number of digital photographs of the seized tobacco, high strength lagers, rear storeroom, rodent damaged box and external storage area.

60 I produce in evidence photographic exhibits PDL/1 to PDL/4 showing examples of seized tobacco products, PDL/5 & PDL/6 showing examples of high strength beers (7.6% ABV and 8.5% ABV) in open display cabinet, PDL/7 to PDL/10 showing storeroom stocks, PDL/11 showing crisp box with rodent damage and PDL/12 to PDL/19 showing alcohol stored in rear garden area.

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After securing the evidence and issuing a receipt Mr Harris and I left the premise and returned to the Civic Centre.

70 On my return to the Civic Centre I informed the Food Safety Team Leader of my concerns regarding the storage of food and drink at the premise as well as relaying my concerns about the evidence of rodent infestation. I also emailed my contact at HMRC in relation to the large quantities of illicit alcohol stored at the premise and my concerns regarding duty evasion and the purchase of the goods without any checks being conducted.

75 I also checked our premise database for any previous adverse history concerning the premise and after further discussion with Mr Harris he confirmed that he had previously seized 226 unit packs of non-compliant cigarettes, 5 Indian cigarettes and 220 packs of smokeless

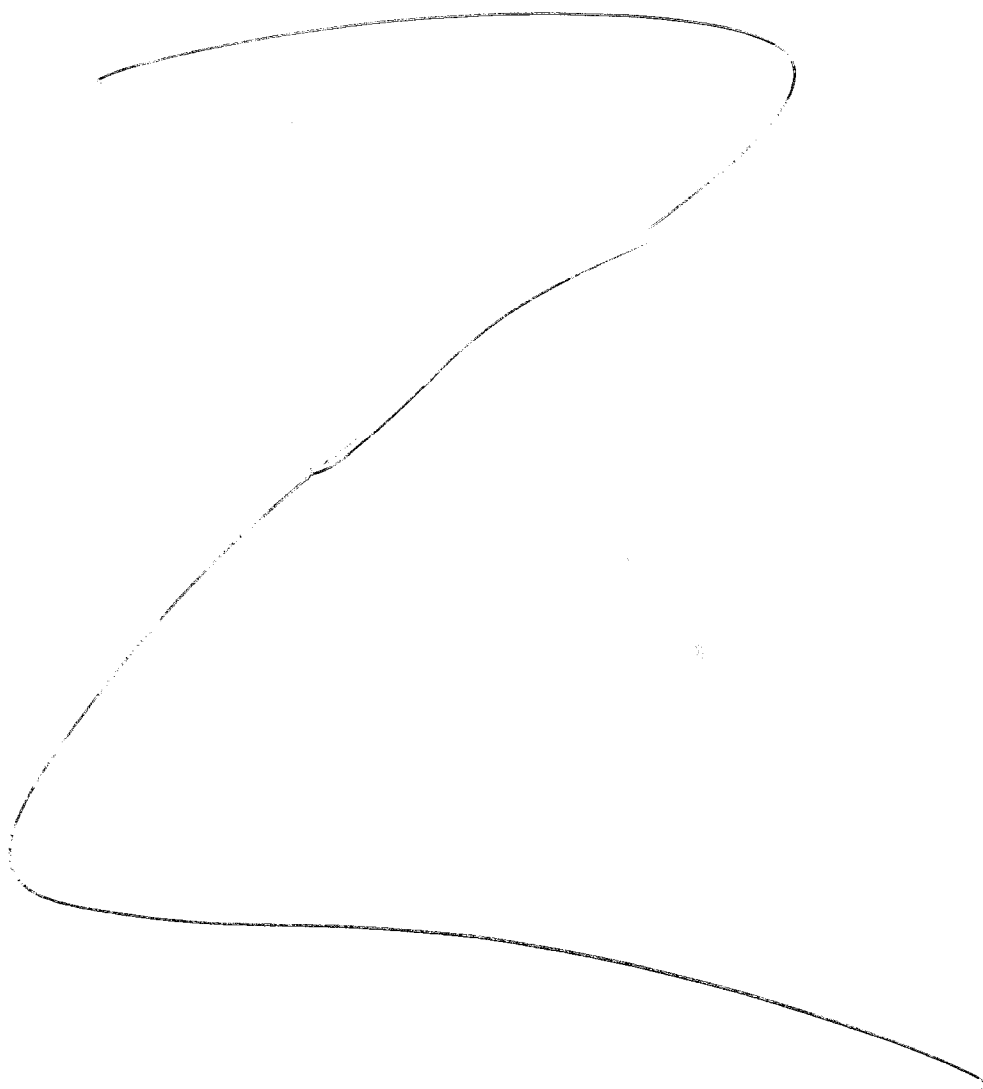
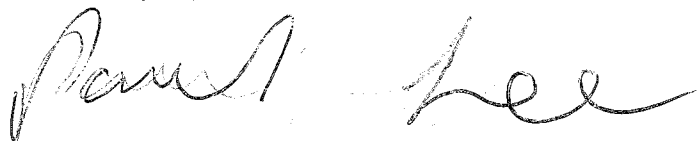
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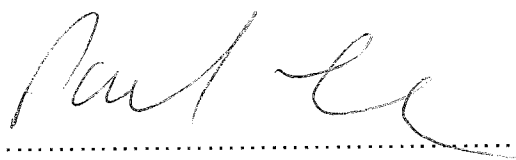
Continuation of witness statement of : Paul Lee

tobacco products from the same premise on 8th April 2019. A letter of warning had been issued to the company at its director in relation to the offences.

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Signature



E31 Sept 2003