

Police Representation
Slavic Foods
47A Crichton Avenue
York
YO30 6EF



City of York
Council
Licensing Services
Hazel Court
EcoDept
James Street
York
YO10 3DS

12th August 2024

Dear Sir/Madam,

As the Force Licensing Manager for North Yorkshire Police, I am delegated on behalf of the Chief Constable to respond to all applications under the Licensing Act 2003. This representation relates to the licensed premises, Slavic Foods 47A Crichton Avenue York and for which the police deem that the premise licence holder Mr Aziz HOSSAINZADA and designated premises supervisor Wera Eliza KALINOWSKA have undermined the licensing objective Prevention of Crime and Disorder, which will be evidenced below.

Mr Aziz HOSSAINZADA has been the premises licence holder and Wera KALINOWSKA the designated premises supervisor since the 15th December 2023. The premises have licensable activities as follows: -

Supply of Alcohol (off-sales) Mon- Sun 0800-2300hrs

On four separate occasions between December 2023 and August 2024 North Yorkshire Police licensing officers have attended Slavic Foods and, on each occasion, have found that there has not been compliance with the authorisation issued by the licensing authority and breaches of the premises licence have been committed.

Both the premise licence holder and designated premises supervisor have a responsibility to ensure that when any licensable activity is undertaken there must be compliance with the premises licence conditions and the licensing objectives are upheld.

On **4th December 2023**, officers from the Neighbourhood Policing team, in company with colleagues from City of York Trading Standards attended Slavic Foods, due to concerns that the premises was selling illegal counterfeit cigarettes and tobacco, police incident 122302330151 refers.

On arrival one person was found inside the shop, located behind the till area - Trading standards officers advised ↓ the reason for the visit and began a search of the premises. During the search located behind and underneath the till was a large amount of foreign branded tobacco and cigarettes. Also located was vapes not properly branded and too strong for the UK market.

... stated he was working in the shop, covering for a friend who was ill. Immigration was contacted, and confirmed that in February 2023 ... claimed asylum with them after entering the UK illegally. They stated that he cannot work until 12 months after this date, so Feb 2024. ... was subsequently returned to his home address. Attempts were made by officers to contact the owner of the shop who due to records held with police and council licensing was Mr Akwan IRANI. Due to officers not being able to contact the person registered as the owner of the business, the premises was secured and the keys brought to York police station, with a note for the owner to contact police. Attending officers updated police licensing in relation to the visit and requested a follow up visit in relation to compliance with the premises licence.

On **14th December 2023**, PC Samantha Bolland, North Yorkshire Police licensing officer, in company with Jemma Kettlestring from City of York licensing and Ellis Grimbley from City of York trading standards attended Slavic Foods. Encountered at the premises at the time was a female Wera KALINOWSKA, who confirmed that she worked at the premises and that her employer was Mr HOSSAINZADA. It was explained that there were concerns that the premise licence had been transferred without responsible authorities being notified and as such the premises was operating without a current designated premises supervisor.

Section 19 of the Licensing Act 2003 states the following: -

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

1. No supply of alcohol may be made under the premises licence—

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

KALINOWSKA was advised that no alcohol could be sold or on display until responsible authorities had confirmation who was undertaking the role of designated premises supervisor.

On **15th December 2023** North Yorkshire Police licensing department received notification from City of York licensing of a transfer and designated premises supervisor for Slavic Foods. The premise licence holder was named as Mr HOSSAINZADA and the DPS as Wera KALINOWSKA.

On **22nd February 2024**, PC Bolland attended Slavic Foods in company with Jemma Kettlestring licensing enforcement officer from City of York Council to conduct a Section 179 licensing inspection. Upon arrival at the premises, which was open to the public, one male who was sat behind the till was encountered. He was asked to provide his details, to which he refused. Approximately ten minutes after officers had been at the premises Wera KALINOWSKA arrived and stated that she had left the male to look after the premises whilst she went on an errand. Due to officers being unable to obtain details from either KALINOWSKA or the male about his identity he was arrested on suspicion of illegal entry under the Immigration Act 1971 and conveyed to York police station. It was established at

the police station that the male was the same male who had been encountered on the visit on 4th December 2023. Immigration was notified in respect of the matter.

In the presence of KALINOWSKA a Section 179 inspection was conducted by officers and the following breaches of the premises licence conditions identified: -

- Condition 1 – no staff training
- Condition 2 – CCTV was not recording any footage, there was no CCTV retention
- Condition 5 – no quiet signs
- Condition 7 – no proof of age identification posters

A check of the till transactions showed a transaction at 09:34hrs that day, when HASSAN had been present at the premises and KALINOWSKA had been away from the premises.

On **12th March 2024**, Wera KALINOWSKA attended York police station where she was formally interviewed under caution in relation to Section 136 offences in relation to the breaches identified on 22nd February 2024.

Section 136 -Unauthorised licensable activities

A person commits an offence if—

he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation,

She provided a pre prepared statement fully admitting the section 136 offences.

On **26th March 2024** PC Bolland, Jemma Kettlestring and Glyn Jones, and Jayne Peel from Immigration attended Slavic Foods. This was to conduct a further Section 179 Inspection to ascertain if previous breaches had been rectified. Present at the time of the inspection was KALINOWSKA.

The following breaches of the premise licence conditions were identified: -

- Condition 1 – no staff training on premises
- Condition 2 – CCTV was not recording any footage, and showed only a live feed, there was no CCTV retention and no recorded footage stored.

On **28th March 2024** KALINOWSKA attended York Police and was issued a simple caution in respect of the breaches identified on 22nd February 2024 (this is in line with DPP charging decisions).

On **8th August 2024** PC Bolland and Jemma Kettlestring attended Slavic Foods to conduct a Section 179 licensing inspection. Present at the premises was KALINOWSKA, the DPS. The following breaches of the premise licence conditions were identified: -

- Condition 1 – no staff training on premises
- Condition 2 – CCTV was not recording any footage, and showed only a live feed, there was no CCTV retention and no recorded footage stored.

The section 182 statutory guidance states at para 4.61 the following: -

Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

KALINOWSKA who is the designated premises supervisor for Slavic Foods, and the person who has the day-to-day responsibility for running the premises is failing to ensure compliance with premise licence conditions. Despite being interviewed under caution and receiving a formal police caution for Section 136 offences of unauthorised licensable activity she continues to allow the premise licence conditions to be breached.

Given the above failings the police have no confidence in KALINOWSKA to manage the premises effectively and ensure the premise licence authorisation is adhered to and the licensing objectives are upheld. It is also concerning that the premise licence holder HASSAINZADA has not taken action to ensure that persons employed at the premises have a right to work, are competent for their role (the designated premises supervisor should be able to ensure full compliance with the premise licence conditions) and has failed to address the issue.

North Yorkshire Police provide evidence to the sub-committee who are entitled to take robust, appropriate, and proportionate steps to prevent this operator from further undermining the licensing objectives, and the police would respectfully ask members to revoke the premise licence for Slavic Foods.

Enclosed documents-

Witness Statement 1 – PC Bolland

Witness Statement 2 – PC Bolland

Yours Sincerely,

J Booth

PS133 Booth
Force Licensing Manager
Alcohol Licensing Department
Fulford Road Police Station
York
YO10 4BY

Email: - Jacqueline.booth@northyorkshire.police.uk

STATEMENT OF WITNESS

STATEMENT OF: PC Samantha Bolland

Age of Witness (if over 18 enter) : Over 18

Occupation of Witness: North Yorkshire Police Licensing Officer

Address: North Yorkshire Police, Fulford, York, YO10 4BY

This statement (consisting of 2 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.

1. I am PC 1520 Samantha Bolland, an Alcohol Licensing Officer for North Yorkshire Police, further to my previous statement I would like to add the following, on **Tuesday 26th March 2024**, I attended Slavic Foods 47a Crichton Avenue, York, in company with Jemma Kettlestring Licensing Enforcement Officer, City of York Council, Glynn Jones & Jayne Peel, Immigration Officers.

2. At this time we spoke to a female I know to be Wera Eliza KALINOWSKA, who is the Designated Premise Supervisor. KALINOWSKI was advised that following her interview at Fulford Police Station, we were conducting a Section 179 Licensing Inspection to ascertain if the previous breaches had been rectified. I asked KALINOWSKA to produce a copy of the current Premises Licence, which she did. Jemma Kettlestring and I then conducted a Section 179 Licensing Inspection with KALINOWSKA. The following breaches of the Premise Licence conditions were identified:
 - Condition 1 – no staff training on premises

 - Condition 2 – CCTV was not recording any footage, and showed only a live feed, there was no CCTV retention and no recorded footage stored.

3. I advised KALINOWSKA to make contact with the Premise Licence Holder as further Section 136 offences of unauthorised Licensable activities for non-compliance with premise licence conditions had been identified and had not been rectified. This contradicted what KALINOWSKA had stated in interview when asked if all breaches had been rectified to which she had stated they had.

We then left the premises.

4. On **16th April 2024**, I held a meeting with Lesley Cooke, Licensing Manager, City of York Council, and Ellis Grimbley Trading Standards, City of York Council, and updated them with details of the visit to the premises and the further breaches of Premise Licence conditions. I asked that if anyone from City of York Council made contact with the Premise Licence Holder, to make me aware, as I wanted to make contact with Mr Aziz HOSSAINZADA to update him of the actions I had taken against KALINOWSKA.

5. On **Thursday 8th August 2024** at 11:30 hours, I was on duty in plain clothes when I attended Slavic Foods, 47A Crichton Avenue, York, YO30 6EF in company with Jemma Kettlestring Licensing Enforcement Officer, City of York Council, to conduct a Section 179 Licensing Inspection.

6. At this time we spoke to a female I know to be Wera Eliza KALINOWSKA, who is the current Designated Premise Supervisor. KALINOWSKI was advised of the reason for our visit. I asked KALINOWSKA to produce a copy of the current Premises Licence, which she did. Jemma Kettlestring and I then conducted a Section 179 Licensing Inspection with KALINOWSKA. The following breaches of the Premise Licence conditions were identified and have been consistently in breach on each occasion the premises has been visited:
 - Condition 1 – no staff training on premises

 - Condition 2 – CCTV was not recording any footage, and showed only a live feed, there was no CCTV retention and no recorded footage stored.

7. I then advised KALINOWSKA that following the breaches identified, advice would be taken as to how to take the matter forward, as the premises was subject to a review hearing on 5th September 2024. KALINOWSKA was unaware of these proceeding. I advised KALINOWSKA to make contact with the Premise Licence Holder as further Section 136 offences of unauthorised Licensable activities for non-compliance with premise licence conditions had been identified and had not been rectified.

We then left the premises.

STATEMENT OF WITNESS

STATEMENT OF: PC Samantha Bolland

Date: 16/05/2024

Age of Witness (if over 18 enter) : Over 18

Occupation of Witness: North Yorkshire Police Licensing Officer

Address: North Yorkshire Police, Fulford, York, YO10 4BY

This statement (consisting of 5 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.

1. I am PC 1520 Samantha Bolland, an Alcohol Licensing Officer for North Yorkshire Police and have performed this role for the last 8 years. My role involves working with statutory partners and key stakeholders to ensure the promotion of the four Licensing objectives, The Prevention of Crime and Disorder, The Prevention of Public Nuisance, Public Safety and the Protection of Children from harm, alongside compliance with the Licensing Act 2003.
2. Between the months of July 2023 and November 2023 Police received information from a variety of sources stating that SLAVIC FOODS, 47A CRICHTON AVENUE, YORK, was selling illegal cigarettes and tobacco.
3. As a result of the information and intelligence received by Police, the Neighbourhood Policing Team liaised with Trading Standards at the City of York Council, and arranged to carry out a joint visit to the premises.
4. At 1500hrs on Monday 4th December 2023, officers from the Neighbourhood Policing Team attended SLAVIC FOODS, 47A CRICHTON AVENUE, YORK in company with other Police colleagues and Trading Standards officers to conduct the joint visit, police incident number – 12230230151 refers.

5. Upon entering the shop, Officers encountered a male who was stood behind the counter, the male is now known to be [REDACTED] AN born [REDACTED] Trading Standards explained why officers were in attendance, and they commenced a search of the shop and the storeroom.
6. Officers spoke with [REDACTED] who stated that he had only been working in the shop that day as his friend was poorly, he claimed to know nothing about the workings of the shop, however he was serving a customer at the counter when Officers entered. He also knew how to operate and open/close the shutters on the front door.
7. Whilst speaking with [REDACTED] Officers were made aware that an amount of foreign branded cigarettes and tobacco had been located in the back storeroom as well as a rucksack with an amount of cash within it, mainly in English £5 and £20 notes. The rucksack was located on the floor [REDACTED] next to the foreign branded cigarettes, in plain sight, which was seized by Trading Standards.
8. Immigration were contacted and informed Officers that [REDACTED] was currently claiming asylum and that he had no right to work. Immigration advised Officers at the premises, that they would follow up enquiries regarding [REDACTED] separately and requested full details be sent through including details of his address.
9. Following it being established that [REDACTED] had no right to work in the UK, officer advised he could not remain at the premises in whilst in a working capacity. He advised officers of his home address and was escorted off the premises and taken home.
10. Officers attempted to contact the owner of Slavic Foods via mobile phone, the person listed as the owner was Mr Akwan IRANI born [REDACTED] of [REDACTED] ST PAULS MEWS, YORK. The phone appeared to be switched off when rung multiple times. Officers were also dispatched to attend IRANI's address of [REDACTED] ST PAULS MEWS. Officers attended however there were no vehicles outside the address, and no answer to knocking.
11. Once the search had been concluded, officers made attempts again to contact IRANI on his

mobile phone and his phone was still switched off. Officers located a bunch of keys and ensured that the premises were locked and secured before leaving the shop, all relevant documentation was completed and the keys were booked into police property.

12. PC Nicola Manning captured the visit on police issue body worn video.

13. On Tuesday 5th December 2023 PC Manning received an enquiry from the front counter at Fulford Road Police Station, York, from a male stating that he was the owner of Slavic Food and he was asking for the keys to the shop, which were held in the property store, at Fulford Road Police Station. As the officer was not present at Fulford, she contacted the male by phone, who identified himself to be Aziz HOSSAINZADA born [REDACTED], who stated that he lived at NEWCOMEN GREEN, MIDDLESBROUGH, TS4 2PD.

14. HOSSAINZADA stated that he was the owner of Slavic Foods and that he had bought the business from Akwan IRANI on 20th January 2022, after entering into an agreement.

15. HOSSAINZADA was asked if he had any documentation in relation to ownership of the shop, he stated he did not. HOSSAINZADA was informed that the only person the keys could be passed to legally, were IRANI, as he was shown on the Premise Licence as the current Premise Licence Holder. PC Manning verified the details of the Premise Licence Holder with PS Jackie Booth, Force Licensing Manager, who provided her a copy of the current premise licence.

16. HOSSAINZADA was asked how often he visited the shop in York as his address is in Middlesbrough, he replied stating not very often, maybe every week or so. He stated he usually has a female member of staff working for him however he could not remember her name when asked. He was asked who the male working the day before was and he stated he did not know.

17. On 14th December 2023 at approximately 0930hrs, Jemma KETTLESTRING, Ellis GRIMBLEY, both from City of York Council and myself visited the premises to conduct a S179 Inspection under the Licensing Act 2003, following on from the above visit by colleagues.

18. At this time we spoke to a female called Wera Eliza KALINOWSKA and she confirmed that her

employer was HOSSAINZADA. Due to concerns that the premises licence had been transferred without responsible authorities being notified and no one being able to contact the registered Premise Licence Holder, KALINOWSKA was advised to notify her employer immediately that it was suspected that the premises had no current Designated Premises Supervisor and until such times that responsible authorities had written notification as to who was the DPS, no alcohol could be sold or should be on display.

19. Jemma KETTLESTRING provided details of how a new application could be submitted for a DPS, and on the 15th December 2023, North Yorkshire Police received notification of transfer and DPS variation for the premises. The new DPS was listed as KALINOWSKA.
20. On Thursday 22nd February 2024 at 09:55 hours, I was on duty in plain clothes when I attended Slavic Foods, 47A Crichton Avenue, York, YO30 6EF in company with Jemma Kettlestring Licensing Enforcement Officer, City of York Council, to conduct a Section 179 Licensing Inspection.
21. Upon arrival the shop door was wedged fully open and the lights and till were turned on. A male I now know to be, [redacted], DOB 1 [redacted] was present and sat behind the till. I asked the male for his details to which he replied, in broken English, ' WHY, I DON'T WORK HERE'.
22. [redacted] was asked multiple times what his details were as it appeared he was working at the shop and he was the only person present on the premises. He stated that he had been asked to look after the shop until Wera, who I know to be Wera Eliza KALINOWSKA who is the Designated Premise Supervisor, returned as she was five minutes away.
23. KALINOWSKA arrived approximately 10 minutes later and stated she had received a call from her daughters school, Clifton Green and had to go. She had left the male she knew as [redacted], to look after the shop until she returned, and he was not serving customers.
24. After numerous attempts to get [redacted] details from him and KALINSOWSKA, I then called for a marked unit to attend the premises. At 10:39 hours I arrested [redacted] in suspicion of

illegal entry under The Immigration Act 1971, as I was not able to verify his details and he was refusing to verify who he was and I was sighted on the previous information from the visit on 14th

December 2023 referred to above and needed to verify who the male was. He was then transported to custody at Fulford Road Police Station by PC 731 SIMPSON, where his detention was authorised.

- 25.** Jemma Kettlestring and I then conducted a Section 179 Licensing Inspection with KALINOWSKA. Numerous breaches of the Premise Licence conditions were identified, including:
- Condition 1 – no staff training
 - Condition 2 – CCTV was not recording any footage, there was no CCTV retention
 - Condition 5 – no quiet signs
 - Condition 7 – no proof of age identification posters
- 26.** I asked KALINOWSKI for a copy of the till receipts for the mornings transaction and there was only one recorded at 09:34 hours, at which time KALINOWSKA had stated she had not been present. I asked for a copy of the receipt, which she supplied me with. KALINOWSKA stated that must have served a customer as no-one else was present at the premises at that time.
- 27.** I then advised KALINOWSKA that she would be formally interviewed for the Section 136 offence of unauthorised Licensable activities for non-compliance with premise licence conditions and that she should inform the Premise Licence Holder.
- 28.** Jemma Kettlestring gave KALINOWSKA the details to contact City of York Council as she asked how she could stop alcohol sales if she was not present at the premises going forward. She was advised that she could advise City of York Council Licensing in writing that she wished to be removed as the Designated Premise Supervisor with immediate effect.
- We left the premises shortly after.
- 29.** At 10am on 12th March 2024, I interviewed KALINOWSKA at Fulford Police Station, as a voluntary attendee, in relation to the Section 136 offence of unauthorised Licensable activities for

on-compliance with premise licence conditions which were previously identified.

30. Also present were Jemma Kettlestring from City of York Council Licensing and Mr Khan, legal representative for KALINOWSKA. KALINOWSKA gave a pre-prepared statement, which I exhibit as SB/2, fully admitting Section 136 offences.

31. On 28th March 2024 KALINOWSKA attended Fulford Police Station, York, following her previous interview under caution on 12th March 2024, and was issued a simple caution, which I exhibit as SB/3, by Inspector Barnett, for Section 136 Unauthorised Licensable Activities which had taken place at 47A Crichton Ave, York, for which she was the DPS, KALINOWSKA accepted the simple caution.

PC 1520 Bolland.

PC 1520.