

APPENDIX 2

STATEMENTS



**ESSEX COUNTY COUNCIL
TRADING STANDARDS SERVICE
2 BEAUFORT ROAD, CHELMSFORD, CM2 6PS**

(Criminal Procedure Rules r 27.1 (1); CJ Act 1967, S9; MC Act 1980, S5B)

STATEMENT OF: Liz Ellen Webb

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

Occupation of Witness: Trading Standards 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 the 15th of December 2017 **Signature**

I have been employed by Essex County Council as a Trading Standards Officer since July 2005 and I am an authorised officer under the Trade Marks Act 1994 and the Consumer Protection Act 1987, including delegated safety regulations under the Consumer Protection Act 1987. On the 30th November 2017 I accompanied my colleague Trading Standards Officer Jennifer WIEHAHN to the premises of 'Street Corner Shop' 11 Market House, Stone Cross, Harlow CM20 1BL. The purpose of the visit was to carry out an inspection of the business in relation to illicit tobacco following the receipt of intelligence. Also in attendance was Stuart PHILLIPS from the tobacco detection dog company BWY Canine Ltd and we were also joined by officers from Essex Police. At approximately 10:55hrs we entered the premises and inside there was one employee present who is known to me from previous inspections, his name is [REDACTED] I explained the purpose of our visit to [REDACTED] and Stuart PHILLIPS took one of his dogs inside the premises to search the shop floor and the stock rooms at the rear. During

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this time Jenny WIEHAHN was issuing [REDACTED] with documentation pertaining to our visit. The dog was able to indicate in the rear storage area that there was a tobacco concealment and this was verified by Stuart PHILLIPS then using a second dog, which also indicated in the same area of the shop. [REDACTED] [REDACTED] advised me that the owner of the shop was Mr Saiwan ALI, he further claimed that there was no counterfeit or illicit tobacco and cigarettes in the shop, even when challenged that both dogs had indicated that products were present behind a wall in the storeroom. [REDACTED] was given an opportunity to show officers how to access the concealment and was warned that the storeroom would have to be dismantled, he declined to assist. Under Trading Standards direction, a false wall was taken down in the storeroom, where the illicit and counterfeit tobacco was found. Around this time my colleagues Gary NUNN and Michelle WALSH arrived to the premises and assisted in retrieving the counterfeit and illicit tobacco from the concealment to be bagged and tagged in evidence by my colleague Jenny WIEHAHAN, she then issued the relevant paperwork and we left the premises at approximately 12:20hrs and returned to our offices to place the items into secure storage. Lew


Signature



**ESSEX COUNTY COUNCIL
TRADING STANDARDS SERVICE
2 BEAUFORT ROAD, CHELMSFORD, CM2 6PS**

(Criminal Procedure Rules r 27.1 (1); CJ Act 1967, S9; MC Act 1980, S5B)

STATEMENT OF: Jennifer Wiehahn

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

Occupation of Witness: Trading Standards Officer

This statement, consisting of 3 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 the 5th of December 2017 Signature

J Wiehahn

I am employed by Essex County Council as a Trading Standards Officer and I am a Chartered Trading Standards Professional. I have held my post at Essex County Council since 10 April 2006. Prior to this date I was employed as a Trading Standards Officer at Surrey County Council from 31 August 1999 to 9 April 2006. My duties as a Trading Standards Officer include the enforcement of trade marks, tobacco and product safety legislation. I am an authorised officer under the Trade Marks Act 1994 and the Consumer Protection Act 1987, including all statutory instruments delegated as safety regulations under the Consumer Protection Act 1987. I wish to record the details of an investigation undertaken by Essex County Council Trading Standards Department. As a result of this investigation I will be referring to the following people, [REDACTED] an employee of Street Corner Shop; Mr Saiwan ALI, the owner of Street Corner Shop; Liz WEBB, a Trading Standards Officer employed by Essex County Council Trading Standards; Michelle WALSH, a Trading Standards Officer employed by Essex County

J Wiehahn

Signature

Council Trading Standards; Gary NUNN, a Trading Standards Officer employed by Essex County Council Trading Standards and Stuart PHILLIPS of B.W.Y Canine Ltd. I will also refer to the following location: The Street Corner Shop at 11 Market House Stone Cross Harlow CM20 1BL. On 30th November 2017, I was working on an investigation with my colleagues, Liz WEBB, Michelle WALSH and Gary NUNN. Essex Police were also in attendance. As a result of intelligence received by this department, Liz WEBB and I visited The Street Corner Shop, as it was alleged that counterfeit and illicit tobacco and cigarettes may be found at the shop. We entered the premises at approximately 10:55 am. I identified Liz and myself as Trading Standards Officers and showed [REDACTED] my authorisation. Shortly afterwards, officers from Essex Police joined us at the premises. I filled out a Consumer Rights Act Notice, 0026 and issued this to [REDACTED] who was the employee present at the premises. I produce a copy of the Consumer Rights Act Notice as **JW/Street Corner/03** [REDACTED] was also given a Police and Criminal Evidence Act code B notice, which he signed. We waited for Stuart PHILLIPS and his dog to finish at the other premises being visited that day in Harlow before searching the premises at Street Corner Shop. Mr PHILLIPS then brought his dog to the Street Corner Shop and during the course of the visit, counterfeit and illicit tobacco and cigarettes were found in the shop, with the assistance of Mr PHILLIPS and his dog. [REDACTED] advised Liz WEBB and me that the owner of the shop was Mr Saiwan ALI. I looked at the licence in the shop and took down the licensee's details, namely Mr Saiwan ALI and his address of [REDACTED] [REDACTED] [REDACTED] claimed

T Wia

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that there was no counterfeit or illicit tobacco and cigarettes in the shop, but Mr PHILLIP'S dog indicated these items were present behind a wall in the storeroom. [REDACTED] would not confirm to either the Trading Standards Officers or the Essex Police Officers present that the illicit and counterfeit tobacco and cigarettes were there. Under Trading Standards' directions, Mr PHILLIPS took down a false wall in the storeroom, where the illicit and counterfeit tobacco was found. With the assistance of Gary NUNN and Michelle WALSH, the counterfeit and illicit tobacco and cigarettes were bagged and sealed by me and they are produced here as **JW/Street/01** and **JW/Street/02**. [REDACTED] signed the Retention of Goods Notice RGN02853, issued by me and a copy is produced here as **JW/Street/04**. All the seized counterfeit and illicit tobacco and cigarettes were listed on the Retention of Goods Notice. Once the seized illicit and counterfeit tobacco and cigarettes had been bagged and sealed and the Retention of Goods Notice was issued, we left the premises. J Wie

J Wie Signature



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2 BEAUFORT ROAD, CHELMSFORD, CM2 6PS**

(Criminal Procedure Rules r 27.1 (1); CJ Act 1967, S9; MC Act 1980, S5B)

STATEMENT OF: Michelle Jane WALSH

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

Occupation of Witness: Trading Standards 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 the 5th of December 2017

Signature

I am employed by Essex County Council as a Trading Standards Officer and I have held my post at Essex County Council since September 1999 and I hold a Diploma in Consumer Affairs and Trading Standards. I am an authorised officer under the Trade Marks Act 1994, The Tobacco and Related Products Regulations 2016, and the Consumer Rights Act 2015. On Thursday 30th November 2017 at approximately midday, on the request of my colleague Liz WEBB (a Trading Standards Officer), myself and my colleague Garry NUNN (a Trading Standards Enforcement Officer) attended the Street Corner Shop, 11 Market House Stone Cross Harlow CM20 1BL. When we arrived, Liz Webb was already in attendance along with another colleague, Jenny WIEHAHN, also a Trading Standards Officer. Also in attendance were officers from Essex Police and Stuart PHILLIPS of BWY Canine Ltd with 2 of his working dogs. When I arrived I was made aware of an employee of the shop, [REDACTED] who was present. Shortly after my arrival myself and Gary Nunn went to a small store room at the rear of the

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shop where I could see a hole in the wall to the right of me which was filled with cigarette and tobacco products. With the assistance of Jenny Wiehahn, myself and Gary Nunn emptied out the hole in the wall of all the packets of cigarettes and tobacco into two large seizure bags which were sealed by Jenny Wiehahn. Shortly after we completed this, we left the premise.



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Signature



**ESSEX COUNTY COUNCIL
TRADING STANDARDS SERVICE
CG32, County Hall, Market Road, Chelmsford, CM1 1QH**

(Criminal Procedure Rules r 27.1 (1);
CJ Act 1967, S9; MC Act 1980, S5B)

STATEMENT OF: Gary Nunn

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

This statement, consisting of one page 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 the 4th December 2017 **Signature**



I am employed by Essex County Council's Trading Standards Service as a Trading Standards Enforcement Officer. On the 30th November 2017 I accompanied my colleagues, Trading Standards Officers Liz WEBB, Jenny WIEHAHN and Michelle WALSH to Harlow. We were accompanied by Stuart PHILLIPS from 'BWY Canine Ltd' who had a tobacco detection dog with him. Officers from Essex Police were also present. The premises visited were chosen on the basis of recent intelligence that had been received into the service regarding the sale of illicit tobacco. At around 11.55 hours I entered 'Street Corner Shop' 11 Market House, Stone Cross, Harlow CM20 1BL. As I entered the shop Liz, who had entered earlier advised me that a hidden access panel had been found in the back room following an indication from the tobacco detection dog, which was activated by a magnet. The space inside contained illicit tobacco. I emptied the area of tobacco and handed it all to Michelle who then placed it into a seizure bag. I left the shop at around 12:25 hours.



Signature