

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub-Committee

9 May 2024

**Time** 10.30 am      **Public Meeting?** YES      **Type of meeting** Regulatory  
**Venue** Committee Room 3 - 3rd Floor - Civic Centre

## Membership

**Chair** Cllr Zee Russell (Lab)

### Labour

Cllr Gillian Wildman

### Conservative

Cllr Jonathan Crofts

Quorum for this meeting is two Councillors.

## Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

**Contact** Donna Cope, Democratic Services Officer  
**Tel/Email** Tel: 01902 554452 Email: [donna.cope@wolverhampton.gov.uk](mailto:donna.cope@wolverhampton.gov.uk)  
**Address** Democratic Services, Civic Centre, 1st floor, St Peter's Square,  
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

**Website** [www.wolverhampton.moderngov.co.uk1](http://www.wolverhampton.moderngov.co.uk1)  
**Email** [democratic.services@wolverhampton.gov.uk](mailto:democratic.services@wolverhampton.gov.uk)  
**Tel** 01902 550320

Please take note of the protocol for filming and recording of, and use of social media in, meetings, copies of which are displayed in the meeting room.

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	<b>Apologies for absence</b>
2	<b>Declarations of interest</b>
3	<b>Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Three Tuns News, 512 Stafford Road, Wolverhampton, WV10 6AN (Pages 3 - 64)</b>

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# Statutory Licensing Sub-Committee

9 May 2024

<b>Report title</b>	Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Three Tuns News, 512 Stafford Road, Wolverhampton, WV10 6AN	
<b>Wards affected</b>	Bushbury North	
<b>Accountable director</b>	John Roseblade, Director of Resident Services	
<b>Originating service</b>	Licensing	
<b>Accountable employee(s)</b>	Debra Craner	Section Leader
	Tel	01902 556055
	Email	Debra.craner@wolverhampton.gov.uk

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## Recommendation for decision:

1. To consider an application for a review of a premises licence.

## **1.0 Purpose**

- 1.1 To submit for consideration by the Statutory Licensing Sub-Committee an application for a review of a premises licence.

## **2.0 Background**

- 2.1 The current premises licence is attached at Appendix 1.

## **3.0 Review Application**

- 3.1 An application was received from Trading Standards on 21 March 2024 for a review of a premises licence in respect of Three Tuns News, 512 Stafford Road, Wolverhampton, WV10 6AN.
- 3.2 The premises is located within the Bushbury North Ward, and a location plan is attached at Appendix 2.
- 3.3 A copy of the review application is attached at Appendix 3. The review has been brought in support of The Prevention of Crime and Disorder and The Protection of Children from Harm Licensing Objectives.
- 3.4 The notice has been properly served on all Responsible Authorities. The Council has complied with the legislative process and displayed the appropriate notice at the premises and on the website as required, when the application for review was made.
- 3.5 Representations have been received from Public Health, the Licensing Authority and West Midlands Police. Copies of these representations can be found at Appendices 4 to 6 respectively.
- 3.6 Trading Standards has provided additional information. This can be found at Appendices 7 to 10 respectively.
- 3.7 The applicant for review, the current Premises Licence Holder and all those who have made representations have all been invited to attend.

## **4.0 Financial implications**

- 4.1 There is no fee for the application of a review and there are no direct financial implications arising from this report. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Statutory Licensing Sub-Committee on 10 January 2024 [SB/20122023/T].

## **5.0 Legal implications**

- 5.1 Section 51 of the Licensing Act 2003, as amended, states that a Responsible Authority or any other person may apply to the relevant licensing authority for a review of a licence.
- 5.2 The Licensing Sub-Committee when determining an application for review, pursuant to Section 52 of the Licensing Act 2003 has power to take any of the following steps (if any)

as it considers appropriate for the promotion of the 'licensing objectives' which are listed at 5.3.

- a) Modify the conditions of the licence.
- b) Exclude a licensable activity from the scope of the licence.
- c) Remove the designated premises supervisor.
- d) Suspend the licence for a period not exceeding 3 months.
- e) Revoke the licence.

5.3 The Four Licensing Objectives are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

5.4 In addition, regards shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton Council's Licensing Policy Statement [RS/26042024-2].

## **6.0 Equalities implications**

6.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact on the day to day lives of residents living in close proximity to the premises.

6.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person entitled to peaceful enjoyment of his possessions and shall not be deprived of his possessions except on the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents, and the community as a whole.

## **7.0 All other Implications**

7.1 There are no other direct implications associated with report.

## **8.0 Schedule of background papers**

8.1 None

**9.0 Appendices**

9.1 Appendix 1 – Current Premises Licence

9.2 Appendix 2 – Location Plan

9.3 Appendix 3 – Copy of Review Application

9.4 Appendix 4 – Public Health Representations

9.5 Appendix 5 – Licensing Authority Representations

9.6 Appendix 6 – West Midlands Police Representations

9.7 Appendix 7 – Additional Information provided by Trading Standards

9.8 Appendix 8 – Additional Information provided by Trading Standards

9.9 Appendix 9 – Additional Information provided by Trading Standards

9.10 Appendix 10 – Additional Information provided by Trading Standards

# Premises Licence

Issued in accordance with The Licensing Act 2003

**Name of Premises:** Three Tuns News

**Address of Premises:** 512 Stafford Road  
Wolverhampton  
WV10 6AN

**Premises Licence Number:** 11/038793/LPS – Replacement Licence - 02/09/2020

**Date Licence Granted:** 12/07/2011

## 1. Opening hours of the premises

**Normal Hours:** Monday to Sunday 0500 - 2300 hours  
**Seasonal Variations:** None  
**Non Standard Hours:** None

## 2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

**Activity:** Sale/Supply of alcohol off the premises  
**Normal Hours:** Monday to Sunday 0800 - 2230 hours  
**Seasonal Variations:** None  
**Non Standard Hours:** None

## 3. Name of the designated premises supervisor if the sale of alcohol is involved

Bimla Devi Banga  
Personal Licence Number WN/004951  
Issued by Wolverhampton City Council

## 4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003.

## 5. Name, (registered) address of the holder of the premises licence

Bimla Devi Banga  
1 Fourth Avenue  
Low Hill  
Wolverhampton  
WV10 9LY

## **Mandatory Licensing Conditions (Licensing Act 2003)**

### **Mandatory conditions as required by the Act will apply to the licence.**

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation the Licensing Act 2003.

## **Conditions consistent with the Operating Schedule**

### **The prevention of crime and disorder**

Refusal book  
Staff training  
Community relations  
Police advice  
Communication with neighbouring businesses  
Extra awareness

### **Public Safety**

CCTV is to be installed and maintained in good working & efficient working order at the premises. CCTV footage (tapes/CD) should be released to the Police or other authorised officer on request.

Tapes/ CDs to be retained for a minimum period of 30 days.

### **The prevention of public nuisance**

Sufficient litter bins should be provided at the premises to enable patrons/ customers to deposit litter in a responsible manner.

### **The protection of children from harm**

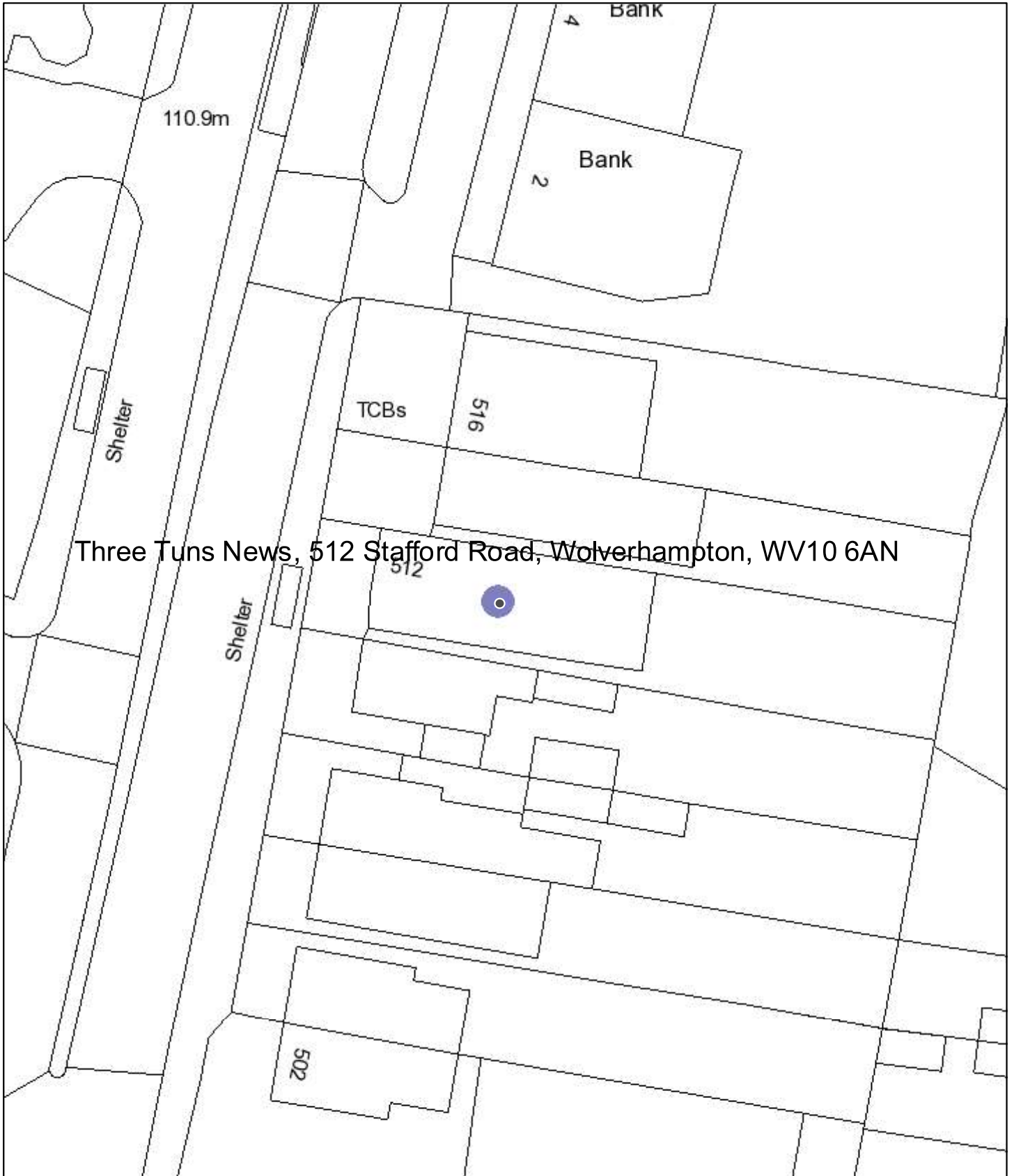
No sale to children of alcohol cigarettes & lottery.

### **Plans**


As submitted with application dated 25 April 2006 and retained by Wolverhampton City Council.

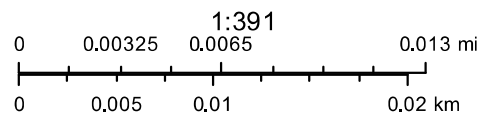


# Location Plan



15/04/2024, 13:19:19

 Cumulative Impact Zone



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**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Gurdip Gill.....

*(Insert name of applicant)*

**Apply for the review of a premises licence under section 51**

**(delete as applicable)**

**Part 1 – Premises or club premises details**

**Postal address of premises or, if none, ordnance survey map reference or description**

Three Tuns News aka Banga Stores  
512 Stafford Road  
Wolverhampton  
WV10 6AN

**Post town** Wolverhampton

**Post code (if known)** WV10 6AN

**Name of premises licence holder or club holding club premises certificate (if known)**

Bimla Devi Banga

**Number of premises licence or club premises certificate (if known)**

11/038793/LPS

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  
Gurdip Gill  
District Officer  
Trading Standards Service  
City of Wolverhampton Council



Telephone number (if any)



E-mail address (optional)



**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review** (please read guidance note 1)

Based on conditions under the protection of children from harm and the prevention of crime and disorder being breached

Empty box for stating the ground(s) for review.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

a) The local weights and measures authority has "responsible authority" status under the Licensing Act 2003 by virtue of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

b) Bimla Devi Banga is the holder of the Premises Licence (number 11/038793/LPS) for Three Tuns News, 512 Stafford Road, Wolverhampton, WV10 6AN. Bimla Devi Banga is also the Designated Premises Supervisor, Personal Licence Number WN/004951 issued by Wolverhampton City Council.

c) Three Tuns News currently uses 'Banga Stores' as a trading name. Over the period covered by this submission, the shop appears to have used various trading names including: Banga Stores; Banga Premier Store; Banga Stores Premier Express; Premier Banga Stores; Local Lifestyle Express; News Express.

d) This submission cites information received and action taken by Trading Standards from 2019 onwards. However Trading Standards records show that intelligence has been received and actions have been logged in relation to contravening trading law practices at the premises since 2013.

e) On 1 January 2019 Trading Standards received intelligence that illicit tobacco was being sold by Banga Stores Premier Express, 512 Stafford Road, Wolverhampton, WV10 6AN.

f) On 6 July 2020 Trading Standards received intelligence from West Midlands Police that during a visit to Premier Stores, 512 Stafford Road, Wolverhampton, WV10 6AN, officers who held discussions with the shop owner/DPS Bimla Devi Banga found that she did not know how to operate the shop's CCTV system and also found the shop's CCTV was switched off. This was in contravention of the premises licence conditions. West Midlands Police also stated that Bimla Devi Banga told officers that she was not aware of any of the shop's premises licence conditions. West Midlands Police also advised Trading Standards that intelligence had been received that counterfeit cigarettes were being sold by the shop.

g) In response to the intelligence that had been received about the shop, it is noted that on 24 February 2021 an advisory letter was sent by an officer from Trading Standards to the landlord of Premier Stores at 512 Stafford Road, Wolverhampton, WV10 6AN. The advisory letter was also sent to the address for the holder of the premises licence of Three Tuns News who is Bimla Devi Banga.

h) On 13 October 2021 Trading Standards received intelligence from a City of Wolverhampton Council Officer who had met with a group of local school head teachers who had alleged that school pupils were able to purchase vapes, an age restricted product, from Premier Banga Stores.

i) On 2 November 2021 the shop, then known as Lifestyle Express was included in an organised test purchase exercise. On that occasion the sale of fireworks and a Geek Bar was refused to an underage child volunteer. However, complaints alleging underage sales of age restricted products continued to be received by Trading Standards, which suggests that such sales are only made to young people who are known to the shop.

j) On 13 December 2021 Trading Standards received a complaint via Citizens Advice from a concerned parent who alleged that their 15 year old child had been

purchasing vapes, an age restricted product, from Banga Stores. It was also alleged that cigarettes and alcohol were being sold to under age children by the shop.

k) On 17 February 2022 Trading Standards received intelligence from Philip Morris International (tobacco company) that the shop had made a sale of an illicit Magic Bar e-cigarette and a packet of illicit Marlboro Gold cigarettes during a test purchase exercise they had carried out.

l) In response to information received about the shop, it is noted that on 23 September 2022 an officer from Trading Standards held discussions with the business about illicit vapes and underage sales.

m) On 14 November 2022 Trading Standards received a complaint via Citizens Advice, alleging that a 15 year old teenager, was regularly purchasing vapes, an age restricted product, from Banga Stores. It was also alleged that Banga Stores were selling vapes of a higher tank capacity than was legally permitted in the UK.

n) On 5 March 2024 intelligence was received from West Midlands Police that Banga Stores was storing and selling illegal cigarettes and other tobacco products.

o) Banga Stores was included as part of an inspection exercise by Trading Standards on 14 March 2024. During the inspection, Trading Standards Officers found 1200 illegal cigarettes, 9 pouches of hand rolling tobacco and 13 oversized vapes concealed in the store. Illegal cigarettes, pouches of hand rolling tobacco and oversized vapes were found hidden in a drawer at the bottom of the birthday card stand in the shop. Illegal cigarettes and pouches of hand rolling tobacco were found hidden inside the drawer of the second till on the counter.

p) The cigarettes found at the premises were not allowed to be sold in the UK as they carried foreign language warnings, were not in the permitted plain packaging required for the UK, appeared to be non-duty paid and were suspected to be counterfeit. These items are not allowed in the UK and were likely to have been smuggled in. The keeping of smuggled goods on a licensed premises is an offence under s144 of the Licensing Act 2003.

q) Vapes found at the premises appeared to have a nicotine tank larger than permitted in the UK. The labelling on the vapes stated that they ranged from 9000 to 15000 puffs. This is likely to exceed the permitted 2ml tank capacity which is currently equivalent to about 600 puffs. These items are not allowed in the UK and may have been smuggled in. The keeping of smuggled goods on a licensed premises is an offence under s144 of the Licensing Act 2003.

r) When asked about the illegal tobacco products that were found hidden in the shop, Bimla Devi Banga told officers 'my son bought the stuff'.

s) The illegal cigarettes, pouches of hand rolling tobacco and oversized vapes found at Banga Stores were bagged up and taken away by Trading Standards.

t) It is a mandatory condition under the Licensing Act 2003 that a licenced business operates an Age Verification Policy. Complaints received by Trading Standards suggest that Banga Stores has failed to adhere to such a policy.

u) It is a criminal offence under the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 to sell nicotine inhaling products, commonly known as e-cigarettes, to a person under the age of 18. Intelligence received by Trading Standards suggests that Banga Stores has been making such sales.

v) The following additional contraventions were also found at the premises:

w) The tobacco gantry was broken leaving tobacco products on open display. This is a criminal offence under the Tobacco Advertising and Promotion (Display)(England) Regulations 2010

x) There was no Licence Summary on display, although a page with the premises licence conditions on it was displayed. Failure to display the Licence Summary is a criminal offence under Section 57(4) of the Licensing Act 2003.

y) As the premises licence holder, Bimla Devi Banga has engaged in activities which have breached the licensing objectives namely 'the prevention of crime and disorder' and 'the protection of children from harm'. The evidence in this Review over an extended period of time highlights continued failures by the shop to comply with the licensing objectives.

The Home Office publishes guidance under section 182 of the Licensing Act 2003, with the following paragraphs being particularly relevant:

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. This includes the use of the licensed premises for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.

The guidance goes on to say that:

11.28 .....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 suspension or revocation of the licence - even in the first instance - should be seriously considered.

With regards to vapes, Part 6 of the Tobacco and Related Products Regulations 2016:

- sets minimum standards for the safety and quality of all e-cigarettes and refill containers (otherwise known as e-liquids)
- ensures that information is provided to consumers so they can make informed choices
- promotes an environment that protects children from starting to use these products

On 29 January 2024, the Government announced that disposable vapes will be banned in the UK as part of Government plans to tackle the rise in youth vaping and protect children's health. Information on the Gov.UK website states the measure comes as part of the Government's response to its consultation on smoking and vaping, which was launched in October 2023.

Recent figures show the number of children using vapes in the past 3 years has tripled. Use among younger children is also rising, with 9% of 11 to 15 year olds now using vapes. The long-term health impacts of vaping are unknown and the nicotine contained within them can be highly addictive, with withdrawal sometimes causing anxiety, trouble concentrating and headaches.



The sale of illegal tobacco makes it easier for children and young people to start smoking and get addicted at a young age. It's often sold much cheaper than legal tobacco and the availability makes it harder for people to quit smoking.

#### RECOMMENDATION

Trading Standards recommends that Licensing sub-committee considers suspension of the premises licence for 3 months to allow for staff training and the addition of robust conditions to the premises licence. In particular, the addition of a licence condition that Three Tuns News aka Banga Stores will sign up to a responsible retailer scheme of an equivalent standard to the City of Wolverhampton Council Trading Standards Responsible Retailer Scheme before the suspension lapses and any other matters as the sub-committee sees fit.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to this premises please state what they were and when you made them**

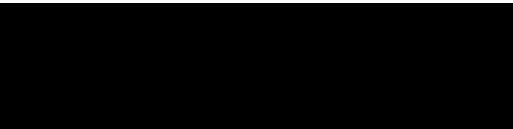
**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature  .....

Date 21 March 2024  
.....

Capacity District Officer  
.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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[REDACTED]

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**From:** Ellina Bawa  
**Sent:** 22 March 2024 13:09  
**To:** Licensing  
**Subject:** FW: Premises Review - Three Tuns News, 512 Stafford Road, Wolverhampton, WV10 6AN - PRE874  
**Attachments:** Three Tuns News 11 038793 LPS Review Notice.pdf; PH Reps Three Tuns.docx

Dear Licensing,

I write on behalf of Public Health as a Responsible Authority to submit supporting formal representations to the above application under the licensing objectives of The Prevention of Crime and Disorder and Protection of Children from Harm.

Public Health have very serious concerns regarding the sales of illicit tobacco, illicit vapes and underage sales. This is further exacerbated by the fact that there was no statutory licence summary on display and the tobacco gantry was openly displaying tobacco products.

The premises not upholding the licensing objectives and failure to comply with the conditions attached the licensing agreement.

As a Responsible Authority we would expect any business licensed to sell age restricted items, to act responsibly at all times and promote the key objectives of the Licensing Act 2003.

Public Health is not reassured that the business is operating in adherence to the Licensing Act and therefore supports Licensing Authorities request to review the current licence. I, or a suitable representative from Public Health, will be available to attend the hearing and provide further information as required.

Kind regards,

Ellina

[REDACTED]  
Health Improvement Officer  
Public Health  
City of Wolverhampton Council  
[REDACTED]

██████████  
Senior Licensing & Compliance Officer  
City of Wolverhampton Council

22<sup>nd</sup> March 2024

Dear ██████████,

**Three Tuns News, 512 Stafford Road, Wolverhampton, WV10 6AN - PRE874**

Thank you for your email dated 21<sup>st</sup> March 2024 in reference to the request made by Trading Standards to review the premises licence for Three Tun News.

I have reviewed the documentation submitted by Trading Standards and would support the request to review the premises licence under the licensing objectives of:

- The Prevention of Crime and Disorder
- The Protection of Children from Harm

The evidence put forward by Trading Standards is very concerning with the reported instances showing a clear neglect of the licensing act 2003. Public Health have serious concerns regarding the sales of illicit tobacco, illicit vapes and underage sales. This is further exacerbated by the fact that there was no statutory licence summary on display and the tobacco gantry was openly displaying tobacco products.

Although the government recommend adult smokers to switch from smoking cigarettes to vapes, vapes are not risk free. There is well established concern about the harms from vaping, specifically associated with younger people, use of disposable vaping products has increased substantially, with 52.8% of current vapers using them in 2022, compared with 7.8% in 2021 and 5.3% in 2020 nationally [Nicotine vaping in England: 2022 evidence update main findings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115444/Nicotine_vaping_in_England_2022_evidence_update_main_findings.pdf)

Considering the reported breaches of licensing conditions and failure to promote licensing objectives, this provides no assurance to Public Health that the business is operating in accordance with the Licensing Act. Therefore, Public Health supports the review of the premises license.

I, or a suitable representative from Public Health, will be available to attend the hearing and provide further information as required.

Yours sincerely,

**Ellina Bawa**  
**Health Improvement Officer**  
██

[Redacted]

**From:** Balvinder Meetca  
**Sent:** 17 April 2024 15:02  
**To:** Licensing  
**Cc:** [Redacted]  
**Subject:** Premises Review - Three Tuns News, 512 Stafford Road, Wolverhampton, WV10 6AN - PRE874  
**Attachments:** Review for Three Tuns News.docx

Sensitivity: PROTECT

Hi team,

I write on behalf of the Licensing Authority as a Responsible Authority to submit formal representations in support of the review applied for by the Trading Standard, as a Responsible Authority, due to:

The premises licence holder and management have failed to uphold the licensing objective(s) of the Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and/or Protection of Children from Harm.

Regards  
Bubbs

Balvinder Meetca  
Section Leader

[Redacted]

[Redacted]

City of Wolverhampton Council

[Redacted]

[Redacted]

Licensing Services  
City of Wolverhampton Council



18 April 2024

Your reference: PRE874

Dear Licensing,

**Application for a review of a Premises Licence under the Licensing Act 2003 -  
Three Tuns News, 512 Stafford Road, Wolverhampton, WV10 6AN – PRE874**

I write on behalf of the Licencing Authority, as a responsible authority, in support of the above review application made by Trading Standards. Representations are made in relation to the licensing objective of 'Prevention of Crime and Disorder and Protection of Children from Harm and the failure of the current management of the premises to promote and uphold these objectives.

On 21 March 2024, Trading Standards submitted an application to review the Premises Licence. The issues raised by Trading Standards relate to the historic sale of illicit e-cigarette and illicit tobacco cigarette as part of a test purchase exercise.

Furthermore, on 14 March 2024 following on from a Trading Standard exercise a quantity of illegal tobacco, including vapes were found on the premises, this together with a failure to display the Licence Summary as required by the Licensing Act 2003.

The Licensing Authority has concerns over the Premises Licence Holder and Designated Premises Supervisor Bimla Devi Banga, as the evidence provided by Trading Standards within their application demonstrates that the premises historically have not adhered to their legal obligations and are not upholding the licensing objectives 'of Prevention of Crime and Disorder and Protection of Children from Harm.

The evidence has shown a historic and present disregard for public safety and following their legal obligations by the Premises Licence Holder and Designated Premises Supervisor – Bimla Devi Banga.

If Councillors are satisfied that illegal activities have taken place at the premises, in breach of upholding the licensing objectives, the Licensing Authority requests that the Statutory Licensing Sub-Committee ensure these issues are addressed in accordance with Section 52 of the Licensing Act 2003 and guidance issued by the Secretary of State under 182 of the Act, together with City of Wolverhampton Council's Statement of Licensing Policy.

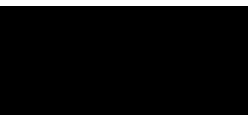




Councillors may conclude from the evidence given within the review application and at the hearing in order to promote the licensing objectives of Crime and Disorder and Public Safety that modification of the premises licence or suspension of the licence to ensure the current management of the premises fully understands their roles and responsibilities is not a suitable option and that there is no alternative but to revoke the licence.

The Licensing Authority fully supports the review application brought by Trading Standards and concludes the above issues must be resolved in order to promote the licensing objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm and Public Safety. I shall be in attendance at the hearing, should Councillors have any questions or require any further assistance.

Yours sincerely,



Balvinder Kaur Meetca

**Section Leader - Licensing**  
**On behalf of the Licensing Authority**



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[Redacted]

**From:** WV Licensing [Redacted] police [Redacted]  
**Sent:** 27 March 2024 07:31  
**To:** Licensing  
**Cc:** [Redacted]  
**Subject:** RE: [External]: Premises Review - Three Tuns News, 512 Stafford Road, Wolverhampton, WV10 6AN - PRE874

[Redacted]

Good Morning,

West Midlands Police wish to raise supporting representations in relation to this Premise Licence Review, under the licensing objectives The Prevention of Crime and Disorder and The Protection of Children from harm.

Kind Regards



**Kayley Nixon**  
Police Licensing Officer  
Licensing Department

[Redacted]

[Redacted]

Working in partnership, making communities safer



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Continuation Sheet: 1

Statement of Gurdip GILL

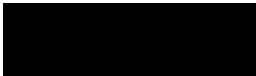
5. My role during the inspection included taking photographs, searching the premises, assisting with bagging up some of the seized items, and carrying out general duties as required. I wore a body worn camera during the inspection.
6. During the inspection a quantity of cigarettes and vapes were found in a drawer at the bottom of the birthday card stand. Some of the cigarettes appeared to be illicit products i.e. meant for a foreign market, not in the required plain packaging specified for the UK market. The vapes appeared to be oversized. I took photographs, which I produce as **Exhibit GSG/BS/1a-c**, showing the location and type of products that were found,
7. Later I observed Dianne SLACK asking the shop owner, Bimla Devi BANGA, to open the second till in the counter area, located adjacent to the lottery terminal. A quantity of illicit tobacco products (cigarettes meant for a foreign market and in non-UK packaging, and hand rolling tobacco which appeared to be non-UK duty paid) were found in the till drawer. I took a photograph, which I produce as **Exhibit GSG/BS/2**, showing the products that were found.
8. I also produce as **Exhibit GSG/BS/3a—f**, six other photographs showing the layout of the shop along with products found,
9. It was also found that the tobacco gantry was open leaving some tobacco products on display. The shop owner stated that the gantry was broken.
10. The non-compliant tobacco products were seized and removed from the shop.
11. We left the premises at 11.22 hours.
12. On 21 March 2024 I wrote to Bimla Devi BANGA, Premises Licence Holder and Designated Premises Supervisor, in relation to a premises licence review of

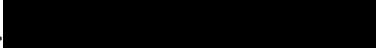
Signed ..  .....

Date 16 April 2024

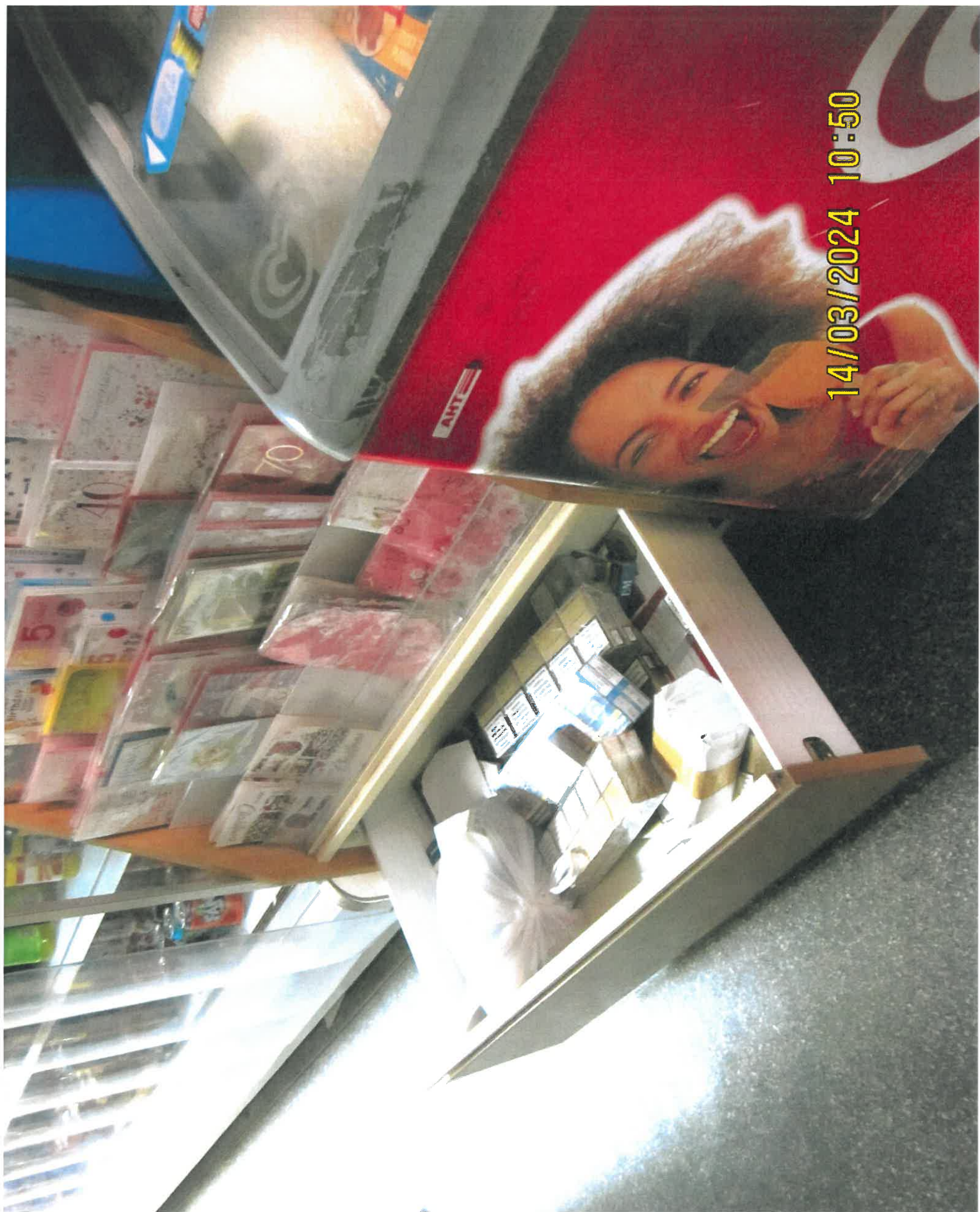
Continuation Sheet: 2

Statement of Gurdip GILL

Banga Stores, 512 Stafford Road, Wolverhampton, WV10 6AN. I produce the letters sent to the shop address and correspondence address of Bimla Devi BANGA and accompanying review application dated 21 March 2024 as **Exhibit GSG/BS/4** and **Exhibit GSG/BS/5**. 

Signed  .....

Date 16 April 2024





14/03/2024 10:51















14/03/2024 10:53



IT IS ILLEGAL TO SELL TOBACCO PRODUCTS TO ANYONE UNDER THE AGE OF 18

NO ID NO SALE!

NO ID NO SALE!  
Tobacco sale  
Veeba Taste. Enjoy. Recycle.

14/03/2024 10:53



BELL'S  
MILK 19.99

FAMOUS  
GROUSE  
11.99

JAMESON  
70cl 19.99

NO ID NO SALE!





14/03/2024 11:00



14/03/2024 11:06







14/03/2024 11:05





14/03/2024 11:06

CITY OF  
WOLVERHAMPTON  
COUNCIL

21 March 2024

┌ Bimla Devi Banga ┐  
Designated Premises Supervisor and Premises Licence Holder  
Three Tuns News aka Banga Stores  
6 Richmond Drive  
Wolverhampton  
└ WV3 9JE ┘

Dear Bimla Devi Banga,

**Review Notice: Premises Licence Number – 11/038793/LPS**

**Licensing Act 2003:**

I am writing to you as a Responsible Authority to inform you that the Trading Standards Service is requesting the City of Wolverhampton Council to review the Premises Licence for Three Tuns News aka Banga Stores.

This follows:-

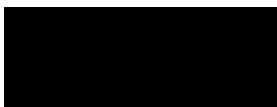
- Reports received by Wolverhampton Trading Standards about underage sales allegedly made by your shop.
- During an inspection on 14 March 2024, Trading Standards Officers found illegal cigarettes, illicit pouches of hand rolling tobacco and oversized vapes concealed in the store.

I have attached a copy of the Review Notice application form. This notice outlines the reasons why this Service is asking for a review. The Review Notice will also be served on the Licensing Authority, as well as the other responsible authorities.

The review of the Premises Licence will be referred to a hearing of the Licensing Sub-Committee for their consideration following a 28-day representation period. The purpose of the review is to ask the Sub-Committee to consider a suspension of the Premise Licence with the aim of preventing such activity in the future. You will be contacted in due course regarding the date and time of any such hearing and your attendance.

In the meantime, should you require any further advice or information regarding the Review Notice Application please do not hesitate to contact me or Lee Jenks, Team Leader for Trading Standards, on the trading standards email below. Should you require any further information regarding the Licensing Sub-Committee hearing where the review of the Premises Licence will be determined please do not hesitate to contact the Licensing Section on 01902 550106.

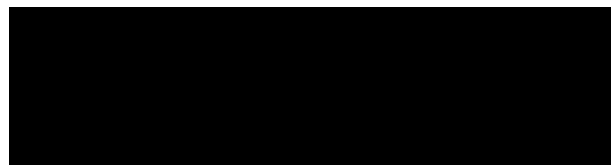
Yours sincerely,



Gurdip Gill

District Officer

Trading Standards Service





CITY OF  
WOLVERHAMPTON  
COUNCIL

21 March 2024

┌ Bimla Devi Banga ┐  
└ Designated Premises Supervisor and Premises Licence Holder ┘  
┌ Three Tuns News aka Banga Stores ┐  
└ 1 Fourth Avenue ┘  
┌ Wolverhampton ┐  
└ WV10 9LY ┘

Dear Bimla Devi Banga,

**Review Notice: Premises Licence Number – 11/038793/LPS**

**Licensing Act 2003:**

I am writing to you as a Responsible Authority to inform you that the Trading Standards Service is requesting the City of Wolverhampton Council to review the Premises Licence for Three Tuns News aka Banga Stores.

This follows:-

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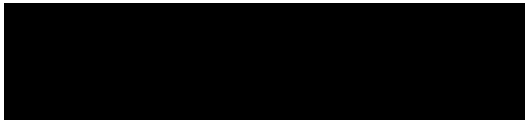
 [wolverhampton.gov.uk](http://wolverhampton.gov.uk)

 @WolvesCouncil

 WolverhamptonToday

In the meantime, should you require any further advice or information regarding the Review Notice Application please do not hesitate to contact me or Lee Jenks, Team Leader for Trading Standards, on the trading standards email below. Should you require any further information regarding the Licensing Sub-Committee hearing where the review of the Premises Licence will be determined please do not hesitate to contact the Licensing Section on 01902 550106.

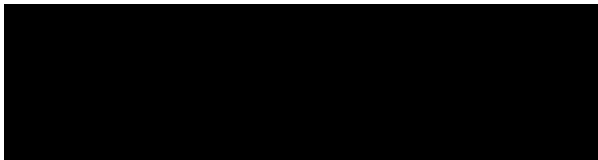
Yours sincerely,



Gurdip Gill

District Officer

Trading Standards Service



**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Gurdip Gill

*(Insert name of applicant)*

**Apply for the review of a premises licence under section 51**

**(delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Three Tuns News aka Banga Stores 512 Stafford Road Wolverhampton WV10 6AN	
<b>Post town</b> Wolverhampton	<b>Post code (if known)</b> WV10 6AN

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Bimla Devi Banga
---

<b>Number of premises licence or club premises certificate (if known)</b> 11/038793/LPS
--

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

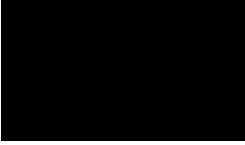
Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

Gurdip Gill  
District Officer  
Trading Standards Service  
City of Wolverhampton Council



Telephone number (if any)



E-mail address (optional)



**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review** (please read guidance note 1)

Based on conditions under the protection of children from harm and the prevention of crime and disorder being breached



**Please provide as much information as possible to support the application**

(please read guidance note 2)

a) The local weights and measures authority has "responsible authority" status under the Licensing Act 2003 by virtue of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

b) Bimla Devi Banga is the holder of the Premises Licence (number 11/038793/LPS) for Three Tuns News, 512 Stafford Road, Wolverhampton, WV10 6AN. Bimla Devi Banga is also the Designated Premises Supervisor, Personal Licence Number WN/004951 issued by Wolverhampton City Council.

c) Three Tuns News currently uses 'Banga Stores' as a trading name. Over the period covered by this submission, the shop appears to have used various trading names including: Banga Stores; Banga Premier Store; Banga Stores Premier Express; Premier Banga Stores; Local Lifestyle Express; News Express.

d) This submission cites information received and action taken by Trading Standards from 2019 onwards. However Trading Standards records show that intelligence has been received and actions have been logged in relation to contravening trading law practices at the premises since 2013.

e) On 1 January 2019 Trading Standards received intelligence that illicit tobacco was being sold by Banga Stores Premier Express, 512 Stafford Road, Wolverhampton, WV10 6AN.

f) On 6 July 2020 Trading Standards received intelligence from West Midlands Police that during a visit to Premier Stores, 512 Stafford Road, Wolverhampton, WV10 6AN, officers who held discussions with the shop owner/DPS Bimla Devi Banga found that she did not know how to operate the shop's CCTV system and also found the shop's CCTV was switched off. This was in contravention of the premises licence conditions. West Midlands Police also stated that Bimla Devi Banga told officers that she was not aware of any of the shop's premises licence conditions. West Midlands Police also advised Trading Standards that intelligence had been received that counterfeit cigarettes were being sold by the shop.

g) In response to the intelligence that had been received about the shop, it is noted that on 24 February 2021 an advisory letter was sent by an officer from Trading Standards to the landlord of Premier Stores at 512 Stafford Road, Wolverhampton, WV10 6AN. The advisory letter was also sent to the address for the holder of the premises licence of Three Tuns News who is Bimla Devi Banga.

h) On 13 October 2021 Trading Standards received intelligence from a City of Wolverhampton Council Officer who had met with a group of local school head teachers who had alleged that school pupils were able to purchase vapes, an age restricted product, from Premier Banga Stores.

i) On 2 November 2021 the shop, then known as Lifestyle Express was included in an organised test purchase exercise. On that occasion the sale of fireworks and a Geek Bar was refused to an underage child volunteer. However, complaints alleging underage sales of age restricted products continued to be received by Trading Standards, which suggests that such sales are only made to young people who are known to the shop.

j) On 13 December 2021 Trading Standards received a complaint via Citizens Advice from a concerned parent who alleged that their 15 year old child had been

purchasing vapes, an age restricted product, from Banga Stores. It was also alleged that cigarettes and alcohol were being sold to under age children by the shop.

k) On 17 February 2022 Trading Standards received intelligence from Philip Morris International (tobacco company) that the shop had made a sale of an illicit Magic Bar e-cigarette and a packet of illicit Marlboro Gold cigarettes during a test purchase exercise they had carried out.

l) In response to information received about the shop, it is noted that on 23 September 2022 an officer from Trading Standards held discussions with the business about illicit vapes and underage sales.

m) On 14 November 2022 Trading Standards received a complaint via Citizens Advice, alleging that a 15 year old teenager, was regularly purchasing vapes, an age restricted product, from Banga Stores. It was also alleged that Banga Stores were selling vapes of a higher tank capacity than was legally permitted in the UK.

n) On 5 March 2024 intelligence was received from West Midlands Police that Banga Stores was storing and selling illegal cigarettes and other tobacco products.

o) Banga Stores was included as part of an inspection exercise by Trading Standards on 14 March 2024. During the inspection, Trading Standards Officers found 1200 illegal cigarettes, 9 pouches of hand rolling tobacco and 13 oversized vapes concealed in the store. Illegal cigarettes, pouches of hand rolling tobacco and oversized vapes were found hidden in a drawer at the bottom of the birthday card stand in the shop. Illegal cigarettes and pouches of hand rolling tobacco were found hidden inside the drawer of the second till on the counter.

p) The cigarettes found at the premises were not allowed to be sold in the UK as they carried foreign language warnings, were not in the permitted plain packaging required for the UK, appeared to be non-duty paid and were suspected to be counterfeit. These items are not allowed in the UK and were likely to have been smuggled in. The keeping of smuggled goods on a licensed premises is an offence under s144 of the Licensing Act 2003.

q) Vapes found at the premises appeared to have a nicotine tank larger than permitted in the UK. The labelling on the vapes stated that they ranged from 9000 to 15000 puffs. This is likely to exceed the permitted 2ml tank capacity which is currently equivalent to about 600 puffs. These items are not allowed in the UK and may have been smuggled in. The keeping of smuggled goods on a licensed premises is an offence under s144 of the Licensing Act 2003.

r) When asked about the illegal tobacco products that were found hidden in the shop, Bimla Devi Banga told officers 'my son bought the stuff'.

s) The illegal cigarettes, pouches of hand rolling tobacco and oversized vapes found at Banga Stores were bagged up and taken away by Trading Standards.

t) It is a mandatory condition under the Licensing Act 2003 that a licenced business operates an Age Verification Policy. Complaints received by Trading Standards suggest that Banga Stores has failed to adhere to such a policy.

u) It is a criminal offence under the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 to sell nicotine inhaling products, commonly known as e-cigarettes, to a person under the age of 18. Intelligence received by Trading Standards suggests that Banga Stores has been making such sales.

v) The following additional contraventions were also found at the premises:

w) The tobacco gantry was broken leaving tobacco products on open display. This is a criminal offence under the Tobacco Advertising and Promotion (Display)(England) Regulations 2010

x) There was no Licence Summary on display, although a page with the premises licence conditions on it was displayed. Failure to display the Licence Summary is a criminal offence under Section 57(4) of the Licensing Act 2003.

y) As the premises licence holder, Bimla Devi Banga has engaged in activities which have breached the licensing objectives namely 'the prevention of crime and disorder' and 'the protection of children from harm'. The evidence in this Review over an extended period of time highlights continued failures by the shop to comply with the licensing objectives.

The Home Office publishes guidance under section 182 of the Licensing Act 2003, with the following paragraphs being particularly relevant:

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. This includes the use of the licensed premises for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.

The guidance goes on to say that:

11.28 .....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 suspension or revocation of the licence - even in the first instance - should be seriously considered.

With regards to vapes, Part 6 of the Tobacco and Related Products Regulations 2016:

- sets minimum standards for the safety and quality of all e-cigarettes and refill containers (otherwise known as e-liquids)
- ensures that information is provided to consumers so they can make informed choices
- promotes an environment that protects children from starting to use these products

On 29 January 2024, the Government announced that disposable vapes will be banned in the UK as part of Government plans to tackle the rise in youth vaping and protect children's health. Information on the Gov.UK website states the measure comes as part of the Government's response to its consultation on smoking and vaping, which was launched in October 2023.

Recent figures show the number of children using vapes in the past 3 years has tripled. Use among younger children is also rising, with 9% of 11 to 15 year olds now using vapes. The long-term health impacts of vaping are unknown and the nicotine contained within them can be highly addictive, with withdrawal sometimes causing anxiety, trouble concentrating and headaches.

The sale of illegal tobacco makes it easier for children and young people to start smoking and get addicted at a young age. It's often sold much cheaper than legal tobacco and the availability makes it harder for people to quit smoking.

#### **RECOMMENDATION**

Trading Standards recommends that Licensing sub-committee considers suspension of the premises licence for 3 months to allow for staff training and the addition of robust conditions to the premises licence. In particular, the addition of a licence condition that Three Tuns News aka Banga Stores will sign up to a responsible retailer scheme of an equivalent standard to the City of Wolverhampton Council Trading Standards Responsible Retailer Scheme before the suspension lapses and any other matters as the sub-committee sees fit.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

**If you have made representations before relating to this premises please state what they were and when you made them**

**Please tick yes**

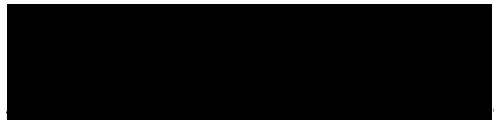
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 21 March 2024

Capacity District Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**STATEMENT OF WITNESS****(Criminal Procedure Rules r16, Criminal Justice Act 1967 s 9)****STATEMENT OF Dianne Slack****AGE Over 18 years****OCCUPATION Tobacco Control Officer – Trading Standards**

This statement, consists of <sup>5</sup> 5 pages 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.

**Date 02 April 2024****Signed** 

- 
1. I am employed by the City of Wolverhampton Council as a Tobacco Control Officer in Trading Standards. I am also the lead officer for underage sales. I hold an LLB (Hons) law degree and a Diploma in Consumer Affairs; I am a Chartered Trading Standards Practitioner and a full member of the Chartered Trading Standards Institute. I am an authorised officer for a variety of consumer protection and fair-trading legislation. I have been employed by the City of Wolverhampton Council since 1990.
  2. On the 05 March 2024, Wolverhampton Trading Standards received a complaint against Banga Stores, 512 Stafford Road, Wolverhampton, WV10 6AN, alleging the licensed premises were selling illicit tobacco products. I was aware of this shop from previous complaints and visits regarding illegal sales of tobacco, e-cigarettes, and underage sales of such goods.

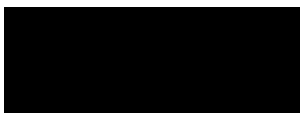
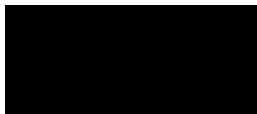
**Signed** **Date 02 April 2024**

3. On the 14 March 2024, as part of Operation CECE, I organised an inspection at Banga Stores. I was accompanied by District Officers Lauren Kendrick and Gurdip Gill. Also present was Andy Atkinson, a licensing compliance investigator. They are all employed by the City of Wolverhampton Council.
4. We were accompanied by West Midlands Police Officers.
5. When I entered Banga Stores at approximately 10:45, I recognised the lady behind the counter as the premises licence holder and designated premises supervisor Mrs. Bimla Devi Banga. I re-introduced myself and explained we had complaints about illegal tobacco products being sold from her shop. Mrs. Banga agreed to the inspection. She was subsequently provided with a code B notice which she signed explaining her rights and our powers under The Consumer Rights Act 2015.
6. I was informed by Mr Atkinson when illicit cigarettes and e-cigarettes were discovered in a drawer under the greeting cards display. I examined the products and believed they were in breach of the Tobacco and Related Product Regulations 2016 and Standardised Packaging of Tobacco Regulations 2015. The cigarettes were not in plain packaging, did not have a UK duty paid mark and some had foreign health warnings. The e-cigarettes appeared to have tank sizes in excess of the regulations and or were incorrectly labelled.
7. The cigarette gantry appeared to be broken and some tobacco products could be seen. There were very few packets of legitimate cigarettes in the gantry.
8. I asked Mrs. Banga to open the two tills on top of the counter. The till nearest the spirits did not contain cash but concealed illicit cigarettes and hand rolling tobacco, again in breach of the above referred to Regulations. Mrs. Banga said they belonged to her son.



9. I asked Mrs. Kendrick as exhibits officer to seize the identified items and note them in a search book.

10. I left the premises at 11:05 hours.



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**STATEMENT OF WITNESS**  
**(Criminal Procedure Rules R16.2; Criminal Justice Act 1967 S9)**

**Statement of** Andrew John Atkinson

**Age.** 55

**Occupation.** Compliance Investigator

**This statement consists of one pages signed by me, is true to the best of my knowledge and belief, and I make it knowing [known??] 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.**

**Date** 26<sup>th</sup> March 2024.

**Signed**

---

I am Andrew John Atkinson and I am employed by Wolverhampton City Council as a Compliance Investigator.

At 10:44 hours on Thursday 14<sup>th</sup> March 2024 together with other colleagues I attended Banga Stores, 512 Stafford Road Wolverhampton, WV10 6AN.

A search of the premises was conducted. I did not seize any items.

At 11:22 hours the same date the search was concluded.



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**STATEMENT OF WITNESS**

**(Criminal Procedure Rules r16, Criminal Justice Act 1967 s 9,  
Magistrates' Courts Act 1980 s 5A(3)(a) and 5B)**

**STATEMENT OF: Lauren Kendrick**

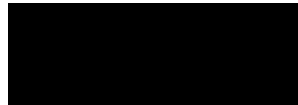
**AGE Over 18 years**

**OCCUPATION: District Officer**

**This statement, consists of Two pages 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.**

**Date: 29<sup>th</sup> April 2024**

**Signed**



- 
1. I am Lauren Kendrick, currently employed as a District Officer for Wolverhampton City Council.
  2. On Thursday 14<sup>th</sup> March 2024, between 10:44hrs and 11:22hrs, together with other council and police officers I attended 'Banga Stores', 512 Stafford Road, WV10 6AN to conduct a search: Operation CECE under the Consumer Rights Act 2015 and Tobacco & Related Products Regulations 2016.
  3. On arrival, a woman I now know to be Bimla Devi BANGA B: 30<sup>th</sup> October 1964 of 6 Richmond Drive, Wolverhampton, WV3 9JE was standing directly behind the serving hatch, next to the cash till. She introduced herself as the mother of the owner.

Signed



Date 29<sup>th</sup> April 2024

4. My role during this search was that of Exhibits Officer, I completed Search Book S074, a search of the ground floor shop and stock room was conducted by other council officers District Officer Gill, Licensing Investigator Atkinson, Tobacco Control Officer Slack who left the search at 11:05hrs, same date and Police Officers 9057 Keates, 26321 Jones and 0773 Pearson.

At 10:48hrs, same date following a search of the bottom drawer of a 'celebration card display' Council Officer Slack handed me exhibit DS1 - BH Gold 24 x packets, exhibit DS2 - L&M Blue 13 x packets, exhibit DS3 - BH Silver 6 x packets and exhibit DS4 - Amber Leaf 5 x pouches, all suspected illegal tobacco, exhibit DS5 - R&M Tornado 7 x vapes and exhibit DS6 Hayati Pro Attra 6 x vapes, suspected illegal vapes.


All items were placed inside a bag and secured with seal 3744988.

5. At 10:54hrs, same date Council Officer Slack handed me further exhibits that had been seized from behind the till area, recovered from within the cash drawer, exhibit DS7 - Amber Leaf pouches x 4, exhibit DS8 - BH Gold x 5 packets, exhibit DS9 – BH Silver x 6 packets and exhibit DS10 – L&M Blue x 6 packets, all suspected illegal tobacco.

These items were placed inside a bag ad secured with seal 3744988.

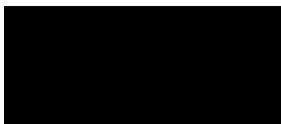
6. I can now produce the Premise Search Book as Exhibit Reference LMK/1  
(Exhibit Number )
7. I later placed all seized property subject of this search inside the store room located at Civic Centre, WV1 1SH.

Signed



Date 29<sup>th</sup> April 2024

Signed



Date 29<sup>th</sup> April 2024

Signed



Date 29<sup>th</sup> April 2024