



**North Tyneside Council**

# Licensing Sub-Committee

17 May 2019

**Tuesday 28 May 2019** in Room 0.01, Ground Floor, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Appointment of Chair</b>	
The Sub-Committee to appoint a Chair for this meeting	
<b>2. Declarations of Interest and Dispensations</b>	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also invited to disclose any dispensations in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
<b>3. Procedure for Licensing Act Hearings</b>	<b>2</b>
Procedure for hearing an application for a review of a Premises Licence.	
<b>4. Prudhoe Off Licence, 4-5 Prudhoe Street, North Shields, NE29 6QZ. (Riverside Ward)</b>	<b>7</b>
To consider an application for the review of a Premises Licence.	

Circulated to all Members of the Licensing Sub-Committee:-

Councillor L Darke  
Councillor Janet Hunter  
Councillor W Samuel

## LICENSING ACT 2003

### NORTH TYNESIDE COUNCIL

#### PROCEDURE FOR HEARING OF AN APPLICATION FOR REVIEW BEFORE THE LICENSING SUB-COMMITTEE (“the Committee”)

The four licensing objectives, as set out in the Licensing Act 2003, are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

Each application that comes before this Committee will be treated on its own merits, and this Licensing Authority will take its decision based upon:

- The merits of the Application
- The promotion of the four licensing objectives
- The statement of Licensing Policy of North Tyneside Council
- The guidance issued by the Secretary of State for Culture, Media and Sport on under Section 182 of the Licensing Act 2003.

#### **The Procedure of the Committee is as follows:-**

1. The Chair will open the hearing and will ask all persons present at the hearing to identify themselves. The Chair or Legal Adviser will then explain the procedure to be followed at the hearing.
2. The Committee will then consider any request made by a party under regulation 8(2) of the Licensing Act 2003 (Hearings) Regulations 2005 for permission for a person to attend as a witness on his/her behalf.
3. The Licensing Officer will present a report to the Committee outlining the application, any relevant representations and the relevant sections of the Council’s Statement of Licensing Policy and the statutory guidance.
4. Clarification on any aspect of the report may be sought by:
  - a) Members of the Committee
  - b) the Applicant
  - c) Responsible Authorities
  - d) Other Persons
  - e) Licence/Certificate Holder.
5. The Applicant will be invited to address the Committee about the application for review, indicating why they consider the issues they have raised to be relevant to one or more of the licensing objectives and sufficient to warrant a review of the premises licence/certificate.

6. If an Applicant has obtained prior permission to call a particular witness, then they may call that witness.
7. Relevant questions of the Applicant may be asked by:
  - a) Members of the Committee
  - b) Responsible Authorities
  - c) Other Persons
  - d) Licence/Certificate Holder.
8. Responsible Authorities will be invited to address the Committee, indicating why they consider the issues raised to be relevant to one or more of the licensing objectives and sufficient to support the application for a review of the premises licence/certificate. If a Responsible Authority has obtained prior permission to call a particular witness, then they may call that witness.
11. Relevant questions of the Responsible Authority may be asked by:
  - a) Members of the Committee
  - b) Applicant
  - c) Other Responsible Authorities
  - d) Other Persons
  - e) Licence/Certificate Holder.
12. Each of the Other Persons who have made representations will be invited to address the Committee about the application, indicating why they consider the issues raised to be relevant to one or more of the licensing objectives and sufficient to support the application for a review of the premises licence/certificate.
13. If any of the Other Persons have obtained prior permission to call a particular witness, then they may call that witness.

Note: In order to avoid repetition and to expedite proceedings at the hearing, objectors within the same group of Other Persons are encouraged to appoint an agreed spokesperson to address the Committee.

14. Relevant questions of the Other Person may be asked by:
  - a) Members of the Committee
  - b) Applicant
  - c) Responsible Authorities
  - d) Other Persons
  - e) Licence/Certificate Holder.

15. The Licence/Certificate Holder or their representative will be invited to address the Committee.
16. If the Licence/Certificate Holder has obtained prior permission to call a particular witness, then they may call that witness.
17. Relevant questions of the Licence/Certificate Holder may be asked by:
  - a) Members of the Committee
  - b) Applicant
  - c) Responsible Authorities
  - d) Other Persons
18. The Chair will invite each party to make a brief closing statement. Parties should ideally take no longer than 10 minutes to make their closing statement. Parties will be invited to sum up in the following order:
  - a) Applicant
  - b) Responsible Authorities
  - c) Other Persons
  - d) Licence/Certificate Holder.
20. The Chair will ask all parties if they are satisfied that they have said all they wish to.
21. The Committee will retire in private to consider the application and make its determination. The Legal Adviser will be present to ensure that all matters of law, evidence and procedure are adhered to appropriately but will not take part in the decision.
- 22.1 In considering any representations or a notice made by any party, the Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as the case may be) either before the hearing or, with the consent of all the other parties, at the hearing.
- 22.2 The Committee shall disregard any information given by a party or by any person to whom permission to appear at the hearing is given by the Committee, which is not relevant to:
  - (i) their application, representations or a notice (as the case may be) or, in the case of another person, the application, representations or notice of the party requesting their attendance; and
  - (ii) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the prevention of crime and disorder licensing objective.

**NB** Parties are reminded that any documentary or other information or evidence they wish to produce in support of their application or representation must have been disclosed to all parties prior to the hearing taking place. **Late representations, documents or evidence will only be considered with the agreement of all parties present.**

23. The parties to be advised of the Committee's decision, including reasons for the decision and the decision will be followed up in writing in accordance with statutory requirements. The decision letter will include the reasons for the decision, and any conditions placed upon the licence and the licensing objective(s) they relate to. The notification of decision will include information on a party's right to appeal against the Committee's decision.

## **General Matters**

### **1. Expectations on parties**

(a) The Licensing Authority expects all parties to a hearing to endeavour to address any issues openly and to work towards an amicable resolution, if at all possible, prior to the hearing taking place.

(b) All parties will be expected to:

- (i) demonstrate which of the four licensing objectives are addressed in relation to each of the issues they wish to raise at the hearing;
- (ii) draw to the Committee's attention any relevant aspects of the National Guidance or local Statement of Licensing Policy which they also consider are particularly relevant to the Committee's consideration of the issues the party(ies) has/have raised.

### **2. Agreement that a hearing is unnecessary**

A Licensing Authority can dispense with holding a hearing if all persons concerned (Applicants and parties raising a representation) give notice to the Licensing Authority prior to the hearing date that they consider it unnecessary.

Where all such persons have given such notice, and the Licensing Authority agrees that a hearing is unnecessary, the Licensing Authority will give notice to the parties that the hearing has been dispensed with.

### **3. Failure of parties to attend**

The hearing may proceed in the absence of any party who has informed the Licensing Authority that they do not intend to attend or be represented at the hearing.

If a party fails to attend or be represented at a hearing without notifying the Licensing Authority, the Committee may adjourn the hearing to a specific date if it considers it to be in the public interest to do so, or alternatively may proceed with the hearing in the party's absence. In the interests of the other parties, costs and efficiency, hearings will generally proceed notwithstanding the absence of any party (including the Applicant).

Where it is decided to proceed in a party's absence, all notices and representations received from the absent party will be considered by the Committee.

If, in exceptional circumstances, a decision is made to adjourn a hearing, all parties will be advised of the date, time and venue to which the hearing has been adjourned.

**4. Questioning of parties**

The Licensing Authority will generally allow all parties to ask questions of another party present, but this decision will be taken on a case by case basis and in some exceptional circumstances (a reason will be given) questioning may be prohibited.

**5. Further clarification**

When addressing the Committee each party shall respond specifically to any points of which it received notice (with the Notice of Hearing) upon which the Committee was seeking clarification.

**6. Questioning by Legal Adviser**

The Legal Adviser to the Committee may ask questions on behalf of, or in addition to, the Committee Members themselves.

**7. Hearsay evidence**

Hearsay evidence will be admissible provided that it is relevant. The weight to be attributed to hearsay evidence will be a matter for the Committee.

**8. Persons behaving in a disruptive manner**

The Committee has the right to exclude any person disrupting the hearing, at their discretion. The Committee can refuse to allow that person to return or, alternatively, may permit him/her to return on such conditions as the Committee may decide. Any person required to leave the hearing may, before the end of the hearing, submit to the Committee in writing any information which they would have been entitled to give orally had they not been required to leave.

**9. No decision-making by Ward Members**

A Member of the Licensing Committee shall not be entitled to participate in any decision-making in relation to any licensing application concerning premises in the Ward for which he/she serves as Councillor.

# REPORT

**Meeting/  
Decision  
Maker(s)** Licensing Sub-Committee

**Date:** 28<sup>th</sup> May 2019

**Report by:** Susan Vert  
Licensing Officer  
Licensing Section  
☎ 643 6904

**Contact  
Officer(s):** Gary Callum  
Licensing Officer  
Licensing Section  
☎ 643 6902

**Title of  
Report:** Licensing Act 2003 Application  
Prudhoe Off Licence Store  
4 Prudhoe Street  
North Shields  
Tyne and Wear  
NE29 0QZ

**Ward(s):** Riverside

## **1.0 Summary / Purpose of Report**

### **1.1 Licensing Sub-Committee**

The Licensing Act 2003 provides that, where an application has been received in respect of the review of a premise licence, a hearing must be held to consider it. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.

**1.2** The Sub-Committee is asked to consider and determine an application from The Local Weights and Measures Authority for the review of a Premise Licence for Prudhoe Off Licence Store held by Mr Ghulam Nabi.

**1.3** The applicant has been invited to attend the meeting to put forward their case in support of the review application. All persons making relevant representations in support of the applications have been invited to attend as well as the premise licence holder.

## 1.4 Representations from Responsible Authorities and Other Parties

The applicant for a review is required to forward copies of the application to Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Director of Public Health, Fire Authority, the Local Safeguarding Children Board and Home Office Immigration Department with a view to any of these Responsible Authorities making a supporting representation if deemed appropriate.

In addition the application has been advertised by the Licensing Authority at the premises, at the main offices of the Council and on the Council website as prescribed. Supporting representations have been made by The Chief Officer of Police, Director of Public Health and The Local Safeguarding Children Board. These are attached at **Appendix 5**.

## 1.5 Authority to make decisions

In relation to an application for the review of a premise licence the Licensing Sub-Committee can, under the Licensing Act 2003:

1. Modify the conditions on the licence
2. Exclude a licensable activity from the scope licence
3. Remove the Designated Premises Supervisor
4. Suspend the licence for a period of not more than three months
5. Revoke the licence

Once the Sub-Committee has reached a decision, the decision and reasons for the decisions must be given in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

## 2.0 Background

This report relates to an application by the Local Weights and Measures Authority for the review of a premise licence for Prudhoe Off Licence Store held by Mr Ghulam Nabi.

The application for review and supporting information are attached at **Appendix 1**, plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**. The current premise licence is attached at **Appendix 4**. and Supporting Representations at **Appendix 5**.



**2.1 The Application for the Review of a Premise Licence under Section 51 of The Licensing Act 2003**

The Application for the review of the premise licence is made pursuant to Section 51 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 52 of the Act. The grounds for the review are the prevention of crime and disorder and protection of children from harm.

**2.2** The current premise licence in respect of Prudhoe Off Licence Store allows the following:

1. To permit the premises to **Supply Alcohol** (off the premises)

- Monday to Saturday – 08.00 – 23.00
- Sunday 10.00 – 22.30

2. The opening hours are Not Limited

**3.0 The Representations**

Supporting representations from Northumbria Police, Director of Public Health and The Local Safeguarding Children Board have been received. No further representations have been received from any other Responsible Authorities or Other Persons.

**4.0 The Parties**

The Parties to the hearing will be:

1. The Applicant – The Local Weights and Measures Authority
2. Premise Licence Holder
3. Responsible Authority –Northumbria Police, Director of Public Health and The Local Safeguarding Children Board

**5.0 For consideration**

The areas for consideration by the Licensing Sub-Committee are:

- Application for the review of a premise licence for Prudhoe Off-Licence Store held by Mr Ghulam Nabi.

**6.0 The North Tyneside Council Statement of Licensing Policy**

The Sub-Committee's attention is drawn to the relevant part of the Policy, Sections 10.1 – 10.5 Crime and Disorder and Sections 10.19 – 10.29 Protection of Children from Harm

## **7.0 The Revised Guidance issued under Section 182 Licensing Act 2003**

The Sub-Committee's attention is drawn to the relevant parts of the Revised Guidance issued under S182 Licensing Act 2003 - Chapter 11 Reviews, Chapter 2 Licensing Objectives.

## **8.0 For Decision**

The Sub-Committee is asked to determine the applications in whatever way it sees fit.

## **9.0 Associated Papers**

Appendix 1 – The application for the Review of a Premise Licence together with supporting information.

Appendix 2 – Plan

Appendix 3 – Map

Appendix 4 – Current Premise Licence

Appendix 5 – Supporting Representation

## **10.0 Background Information**

The following background papers have been used in the compilation of this Report and are available for inspection at the offices of the authors of the Report:

North Tyneside Council Statement of Licensing Policy

The Licensing Act 2003 and Regulations

Revised Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office

Delegation Scheme – Licensing Committee 7 February 2005

## **APPENDIX 1**



North Tyneside Council

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

R

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 The Local Weights and Measures Authority- North Tyneside Council Trading Standards**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Prudhoe Off Licence 4-5 Prudhoe Street	
<b>Post town</b> North Shields	<b>Post code (if known)</b> NE29 6QZ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Ghulam Nabi

<b>Number of premises licence</b>	00CK/17/0255
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**Part 2 - Applicant details**

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 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 ✓ yes

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  The Local Weights and Measures Authority- North Tyneside Council Trading Standards Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY
Telephone number (if any) 0191 6436621
E-mail address (optional) alan.burnett@northtyneside.gov.uk

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

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

Please tick one or more boxes ✓

**Please state the ground(s) for review (please read guidance note 2)**

Trading Standards request a review of the premises licence on the grounds of Crime and Disorder

**Please provide as much information as possible to support the application (please read guidance note 3)**

Please see Appendix **AB1**

Please tick yes

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

If yes please state the date of that application

Day	Month	Year

**If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

*Alan Burnett*

Date

01 /04/ 2019

Capacity The Local Weights and Measures Authority- North Tyneside Council  
Trading Standards

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Alan Burnett  
North Tyneside Council  
Quadrant, The Silverlink North, Cobalt Business Park,

**Post town**

Newcastle Upon Tyne

**Post Code**

NE27 0BY

**Telephone number (if any)** 0191 6436621

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** alan.burnett@northtyneside.gov.uk

**Notes for Guidance**

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

# Appendix AB1

## Prudhoe Off Licence

### Background

Prudhoe off licence is a small convenience store that sells alcohol, tobacco, confectionary and general groceries.

There are three people involved in the business Mr Ghulam Nabi and his two sons Ali and Khalid. The premises licence holder and designated premises supervisor is **Mr Ghulam Nabi**.

This review deals with the sale and possession of illicit tobacco from the premises which does not concern any of the licensable activities under the Licensing Act 2003, however it does concern one off the licensing objectives i.e. the prevention of crime and disorder. There have been three seizures of illicit tobacco by trading standards officers from this business. The table below is the intelligence that has been received by the Authority regarding the premises selling illicit tobacco. Illicit tobacco is tobacco that is either smuggled (non duty paid - contraband) or counterfeit.

### Intelligence

<b>Date</b>	<b>Information</b>
<b>06 /11/2015</b>	Intelligence from Northumbria Police premises is selling non tax paid and pouches of tobacco from under the counter
<b>21/08/2017</b>	Intelligence from Northumbria Police premises is selling illegal tobacco
<b>09/03/2018</b>	Anonymous complaint premises selling counterfeit tobacco
<b>14/11/2018</b>	Anonymous letter informing premises is selling illegal cigarettes and tobacco from under the counter

As a result of this information the following action has been taken

### First seizure

On 1<sup>st</sup> December 2015 as part of a local operation against the sale of illicit tobacco products, which was intelligence led, a number of premises were visited by the Authority's Trading Standards team. They were accompanied by Northumbria Police and a tobacco detection dog. One such premise was Prudhoe Off Licence 4-5 Prudhoe Street, North Shields, NE29 6QZ.

Within these premises officers discovered and detained quantities of illicit tobacco which were in a hidden compartment which contained two plastic boxes containing 60 x 50 grammes of Turners hand rolling tobacco and 1,960 Mayfair cigarettes.

The Turner hand rolling tobacco that was seized has no fiscal marks (UK non duty paid) and is smuggled tobacco. This has been confirmed by an officer from HMRC and is included in a statement at **Appendix AB2**

The Mayfair cigarettes were examined by a representative from Gallaher Limited, the trade mark holder for Mayfair cigarettes. He confirmed that the cigarettes were counterfeit and is included in a statement at **Appendix AB3**

The Mayfair cigarettes were also tested for **Reduced Ignition Propensity (RIP)** Since 2011 all cigarettes sold throughout the EU must conform to a new standard which requires cigarettes must self extinguish when left 'unpuffed'. The tests revealed that the cigarettes did not comply and were therefore 'unsafe'

Mr Ghulam Nabi (the premises licence holder) was interviewed under caution in relation to the tobacco found on the premises. Below is a summary of his account regarding the illicit tobacco. It is clear that Mr Nabi was aware that he was engaging in criminal activity:-

- In September 2015 two polish men visited the shop and then supplied and advised him where to hide the illegal tobacco.
- He bought them for cash and didn't get a receipt
- He buys the cigarettes for £25 per sleeve (200) and the hand rolling tobacco for £5.60 per packet and it was his intention to sell to members of the public
- He sells the cigarettes for £3.50 per packet and the hand rolling tobacco for £7.00 per packet
- Mr Nabi stated that genuine cigarettes sell for up to £10 per packet
- He claimed that this was his first time he has done this and will not do it again

The Trading Standards Officer's S.9 Statement regarding the investigation is included at **Appendix AB4**

On the 3<sup>rd</sup> June 2016 Mr Ghulam Nabi (the premises licence holder) pleaded guilty to eight charges relating to illicit tobacco. The offences related to:-

- The Trade Marks Act 1994 (counterfeit cigarettes),
- General Product safety Regulations 2005 (dangerous cigarettes relating to reduced ignition propensity),
- The Tobacco and Related Products Regulations 2016 (incorrectly labelled tobacco and cigarettes relating to warnings) and
- The Standardised Packaging of Tobacco Products Regulations 2015 (Requirement for all tobacco to be sold in plain packaging)

Mr Nabi was fined a total of £ 637 (including costs)

### **Second seizure**

On 3<sup>rd</sup> May 2018 as part of another local operation against the sale of illicit (counterfeit or smuggled) tobacco products, which was intelligence led, a number of premises including Prudhoe Off Licence were visited by the Authority's Trading Standards team. They were accompanied by Northumbria Police and a tobacco detection dog.

Within these premises officers discovered and detained quantities of illicit tobacco which were hidden under the counter in an old till and under a shelf that had been

screwed down that revealed a secret compartment. The tobacco that was discovered was 340 Richmond cigarettes, 16 x 50 grammes of Turner hand rolling tobacco and 1 x 50 grammes Amber hand rolling tobacco

The Turner hand rolling tobacco that was seized has no fiscal marks (UK non duty paid) and is smuggled tobacco. This has been confirmed by an officer from HMRC and is included in a statement at **Appendix AB2**

A statement from Neil Ferguson Imperial Tobacco Limited, the trade mark holder for Richmond cigarettes, included in the report at **Appendix AB5**, confirms the cigarettes are counterfeit.

The Richmond cigarettes were also tested for Reduced Ignition Propensity (RIP). The tests revealed that the cigarettes did not comply and were therefore 'unsafe'

At the time of the seizure Mr Ali Nabi stated that the business belonged to him. Mr Ali Nabi was interviewed under caution where he stated that he was the licensee and designated premises supervisor. He stated that the tobacco that was seized belonged to a 'good' friend and that he was only storing it for him as his friend didn't want his family knowing that he smoked. He denied having sold any of the tobacco.

The Trading Standards Officer's S.9 Statement is included at **Appendix AB6**

8 charges were laid against Mr Ali relating to illicit tobacco. The offences related to:- The Trade Marks Act 1994 (counterfeit cigarettes), General Product safety Regulations 2005 (dangerous cigarettes relating to reduced ignition propensity), The Tobacco and Related Products Regulations 2016 (incorrectly labelled tobacco and cigarettes relating to warnings) and the Standardised Packaging of Tobacco Products Regulations 2015 (Requirement for all tobacco to be sold in plain packaging)

Mr Ali Nabi pleaded guilty to the three Trade Marks offences concerning the Richmond Cigarettes, the main offence being "possession for supply" (s.92(1) Trade Marks Act 1994). The other five offences were withdrawn. Mr Ali Nabi was fined £860 (including costs) for the "possession to supply" offence, and No Separate Penalty for the other two.

It should be noted that Mr Ali Nabi is not the licensee and designated premises supervisor. This is Mr Ghulam Nabi

### **Third seizure**

On 14<sup>th</sup> February 2019 as part of another local operation against the sale of illicit (counterfeit or smuggled) tobacco products, which was intelligence led, a number of premises including Prudhoe Off Licence were visited by the Authority's Trading Standards team. They were accompanied by Northumbria Police and a tobacco detection dog.

Illicit tobacco was found in the jacket pocket that was being worn by Khalid Nabi and was seized, no other illicit tobacco was found in the premises or vehicles belonging to

the Nabi's. The tobacco discovered was 4 packets of Embassy Regal cigarettes and 2 pouches of Turner hand rolling tobacco. The

Mr Khalid Nabi stated that the cigarettes and tobacco were for his personal use and he had just bought it from a gentleman who he met in North Shields earlier that day, he didn't know his name and he paid £10 for each tobacco pouch and £7 for each cigarette packet.

The premises have CCTV fitted. Officers attempted to retrieve CCTV data but discovered that the CCTV was not recording

The Turner hand rolling tobacco that was seized has no fiscal marks (UK non duty paid) and is smuggled tobacco. This has been confirmed by an officer from HMRC and is included in a statement at **Appendix AB2**

A statement from Neil Ferguson Imperial Tobacco Limited, the trade mark holder for Embassy Regal, included in the report at **Appendix AB7**, confirms the cigarettes are counterfeit.

The Embassy Regal cigarettes were also tested for Reduced Ignition Propensity (RIP). The tests revealed that the cigarettes did not comply and were therefore 'unsafe'

A criminal investigation into this matter is ongoing.

#### **Recent enforcement activity at Prudhoe Off- Licence**

<b>01/12/15</b>	Inspection with detection dogs- Illicit tobacco found in hidden compartment
<b>25/07/16</b>	Inspection with detection dogs- no Illicit tobacco found
<b>9/12/16</b>	Test purchase of alcohol – sale of alcohol to 16 year old
<b>26/01/17</b>	Test purchase of alcohol –no sale
<b>9/02/18</b>	Test purchase of alcohol - no sale
<b>16/03/18</b>	Test purchase of alcohol - no sale
<b>3/04/2018</b>	Inspection with detection dogs- Illicit tobacco found in hidden compartment
<b>14/02/2019</b>	Inspection with detection dogs- Illicit tobacco found on employee

On the 9/12/16 a sixteen year old volunteer was able to purchase alcohol during a test purchase exercise. As this was the first sale of alcohol made during a test purchase exercise at this premises the matter was dealt with by a warning letter and a request to voluntarily amend the conditions on the premises licence to include additional conditions regarding proof of age challenge policy. The letter is included with this report at **Appendix 8**

## Summary

Due to all of the above, as a responsible authority under the Licensing Act 2003, North Tyneside Council Trading Standards have real concerns about the premises being used for criminal purposes. The crime prevention objective is being undermined. In particular it is incredulous that even after two previous convictions for illicit tobacco offences the premises has continued to commit crime by possessing for supply illicit tobacco. Trading Standards have taken a stepped approach to these premises believing that the criminal activities would cease after the two prosecutions.

It is very important to stop the sales of illicit tobacco, as not only does it have serious consequences for health it also discourages smokers from quitting due to its low price. Price has been identified as the most effective barrier to smoking and this also makes it more attractive to children, making it even easier for them to get hooked on smoking.

It is also worth noting that contravention of s144 of the Licensing Act - 'Keeping of smuggled goods' is a criminal offence. Trading Standards did not charge on this offence.

Finally, I would to draw the Committees attention to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) specifically paragraphs:-

### Reviews arising in connection with crime

#### **11.24**

A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective

#### **11.27**

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are 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.
- **for the sale or storage of smuggled tobacco and alcohol.**

#### **11.28**

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

It is considered appropriate that the Committee follow the Home Office Guidance at 11.28 specifically that the crime prevention objective is being undermined through the premises being used to further crimes and the correct decision in this case is that the premises licence should be revoked.



# Appendix AB2

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

**(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)**Statement of: Christopher  
Musgrove

URN:

Age if under 18: over 18 (If over 18 insert 'over 18') Occupation: Officer of HM Revenue &amp; Customs

This statement (consisting of 2 page(s) 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.

Signature: <sup>1</sup> C MUSGROVE

Date: 18/03/2019

Indicate if witness evidence is visually recorded<sup>2</sup> No (If YES, see guidance)

3

I am employed as an Officer by Her Majesty's Revenue and Customs (HMRC) based at offices situated in Newcastle Upon Tyne.

My role is a criminal investigator, responsible for investigating excise duty and taxation offences and submitting these cases where appropriate to the Crown Prosecution Service to prosecute on behalf of HMRC.

I am authorised to make a disclosure under Section 19 of the Anti-Terrorism, Crime and Security Act 2001 in relation to the following Subject: UK Tobacco Duty

CFIB Witness Statement Unit (WSU) Reference Number: RQST3175108

Name: **Khalid NABI**

Date of Birth:

National Insurance number:

Current Address:

On 13 March 2019, I examined six images of 50g pouches of 'The Turner' Hand rolling tobacco, seized by North Tyneside Trading Standards from Prudhoe Off Licence, Prudhoe Street, North Shields, NE29 6QZ during separate inspections in 2015, 2018 and 2019.

I confirm that each of the pouches bear a 'Benelux' Tax/Duty stamp, indicating that it was originally sold in the Belgium / Netherlands / Luxembourg region and has Tax/Duty paid upon in it in that

Date: 18/03/2019

Signature: C MUSGROVE  
(Signature of witness)Signature:   
(Signature witnessed by)**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**  
Page 1 of 2



Statement of: Christopher  
Musgrove

URN:

region. None of the pouches bear a 'UK Duty Paid' fiscal mark. The Tobacco Products Duty Act 1979 Section 8C (As amended by the Finance Act 2000 Section 14) introduced regulations regarding the requirement for the appearance of fiscal mark. I produce as Exhibits MUSGROVE0001 & MUSGROVE0002 details of the regulations in force. I can confirm that the products shown in the photographs exhibited as DRH 1p Turner 2015, DRH 2p Turner 2015, DRH 3p Turner 2018, DRH 4p Turner 2018, DRH 5p Turner 2019 and DRH 6p Turner 2019 would be required to bear a UK Fiscal mark if they were intended for the UK Market and the fact that they do not bear this mark indicates to me that UK Duty has not been paid. Where Tobacco products with this irregularity are detected in a retail environment, they fall liable to seizure under Section 139 of the Customs and Excise Management Act 1979, as an offence of being 'Improperly Imported' is identified under section 49(1) of the same act.

Date: 18/03/2019

Signature: C MUSGROVE  
(Signature of witness)

Signature: Enter Name  
(Signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**  
Page 2 of 2

DRH 1p Turner 2015



THE  
**TURNER**

BLUE LABEL

*Special Blend*

**Roken tijdens de  
zwangerschap is  
slecht voor uw baby  
Fumer pendant la  
grossesse nuit à la  
santé de votre enfant  
Rauchen in der  
Schwangerschaft  
schadet Ihrem Kind**

DRH 2p Turner 2015

ROKEN IS DOODLES

Fumer tue

Rauchen ist tödlich

# THE TURNER

BLUE LABEL

Made in the EU by  
N.V. Stubbbe S.A. B 8980

50g 



€ 4,80  
L




50G  
TABAK  
TABAG  
LU38 AO

5

DRH 3p Turner 2018





...er nuit à vos dents et  
...s gencives

...chen schädigt Zähne und  
...fleisch

...op line: 8002 6767  
...tabac-stop.lu

— THE —  
**TURNER**<sup>®</sup>

— THE TURNER — THE TURNER — THE TURNER

DRH 4p Turner 2018

TURNER

Fumer nuit à vos dents  
et à vos gencives

Rauchen schädigt  
Zähne und Zahnfleisch

Tobacco Stop Line: 80032 6767  
[www.tabac-stop.lu](http://www.tabac-stop.lu)



DRH 5p Turner 2018



**fumer peut tuer l'enfant que  
vous attendez**

**Rauchen kann Ihr ungeborenes  
Kind töten**

Tobacco Stop Line: 8002 6767  
[www.tabac-stop.lu](http://www.tabac-stop.lu)

THE  
**TURNER**  
ORIGINAL

THE TURNER ORIGINAL THE TURNER ORIGINAL



**Fumer augmente le risque  
de devenir aveugle**

**Rauchen erhöht das Risiko  
zu erblinden**

Tobacco Stop Line: 8002 6767  
[www.tabac-stop.lu](http://www.tabac-stop.lu)

THE  
**TURNER**  
ORIGINAL

THE TURNER ORIGINAL THE TURNER ORIGINAL

DRH 6p Turner 2018



Fumer augmente  
le risque de devenir  
aveugle

Rauchen erhöht das  
Risiko zu erblinden

Tobacco Stop Line: 8002 6767  
[www.tabac-stop.lu](http://www.tabac-stop.lu)



Fumer peut tuer  
l'enfant que vous  
attendez

Rauchen kann  
Ihr ungeborenes  
Kind töten

Tobacco Stop Line: 8002 6767  
[www.tabac-stop.lu](http://www.tabac-stop.lu)

# Appendix AB3





**WITNESS STATEMENT**  
**(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B;**  
**MC Rules 1981, r.70)**

Statement of: .....Kathryn Sweeney.....

Age if under 18: .....over 18..... (if over 18 enter "over 18")

Occupation: .....Seizures Manager.....

This statement (consisting of two 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.

Signature .....  ..... Date ..... 14/09/16 .....

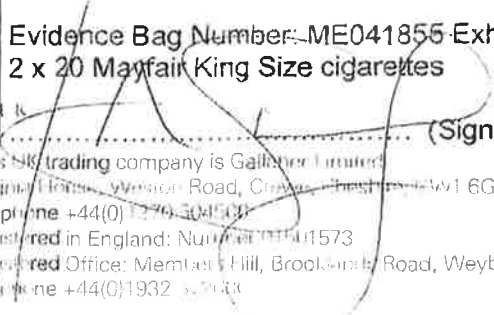
I am employed by Gallaher Limited, as a Seizures Manager, at their office at Virginia House, Weston Road, Crewe, Cheshire CW1 6GH. Gallaher Limited is a member of the JT International group of companies. Part of my role as a Seizures Manager includes identifying counterfeit and genuine tobacco products bearing trademarks owned by the JT International Group of companies, including Gallaher Limited. As part of my employment responsibilities, my employer has directed me to assist regulatory and enforcement bodies, upon their request, in matters relating to the supply of tobacco products by Gallaher Limited and its affiliate companies by providing technical analysis of suspected counterfeit products. I liaise frequently with regulatory and enforcement bodies advising on how to identify counterfeit tobacco products.

From my experience as a Seizures Manager, I am familiar with tobacco products produced by the JT International group of companies, including the methods of manufacture and packaging of those products and the trademarks that are applied to them. I am therefore able to examine and identify counterfeit tobacco products from genuine tobacco products manufactured by the JT International group of companies.

The JT International group of companies marks their products at the time of manufacture for commercial purposes.

I have been provided with samples of a seizure by David Hedley, North Tyneside Trading Standards. I received the samples on 24 March 2016. The samples were contained in sealed evidence bags numbered ME041855 and ME041854. The contents were as follows:

Evidence Bag Number: ME041855 Exhibit: DRH/1/JTI  
 2 x 20 Mayfair King Size cigarettes

.....  ..... (Signature of Witness)

JTI's UK trading company is Gallaher Limited  
 Virginia House, Weston Road, Crewe, Cheshire CW1 6GH, UK  
 Telephone +44(0)1276 304500  
 Registered in England: Number 09411573  
 Registered Office: Merton Hill, Brooklands Road, Weybridge, Surrey, KT13 0QU, UK  
 Telephone +44(0)1932 347333

jti.com/uk



Page No. 2 of 2

Continuation of Statement of: Kathryn Sweeney

Evidence Bag Number: ME041854 Exhibit: DRH/2/JTI  
2 x 20 Mayfair King Size cigarettes

The samples were held in secure storage at Gallaher Limited Crewe until I examined the samples on 6 April 2016.

Evidence Bag Number: ME041855 Exhibit: DRH/1/JTI  
2 x 20 Mayfair King Size cigarettes  
Pack Code: No Code

Evidence Bag Number: ME041854 Exhibit: DRH/2/JTI  
2 x 20 Mayfair King Size cigarettes  
Pack Code: LID4BG2

Based on my examination of the samples, I can confirm that the product in question was not manufactured by or with the authorisation of JT International SA or Gallaher Limited and that Gallaher Limited did not authorise its sale or importation into the United Kingdom.

Further, having conducted a number of examinations of the product, including a comparison of the construction of the cigarettes and packaging, I can confirm that these packs do not conform to genuine Mayfair product.

The product in question is therefore counterfeit.

I can state that the Trade Mark **MAYFAIR** for cigarettes and tobacco products is owned in the UK by Gallaher Limited and used extensively in the UK by Gallaher Limited or its associated companies.

Extracts of the following UK Trade Mark Registrations: 2216236, 2521137 and 3065809 are attached as exhibits 16/TS096/KS1, 16/TS096/KS2 and 16/TS096/KS3.

In the process of analysing these samples I destroyed two Mayfair King Size cigarettes.

On completion of my examination, I returned the samples and opened evidence bags numbered ME041855 and ME041854 under seal numbers AC53857 and AC53858 by post to David Hedley, North Tyneside Trading Standards on 14 April 2016.

(Signature of witness) .....

JTI UK

JTI's UK trading company is Gallaher Limited  
Virginia House, Weston Road, Crewe, Cheshire, CW1 6GH, UK  
Telephone +44(0)1270 504500  
Registered in England: Number 01501573  
Registered Office: Members Hill, Brooklands Road, Weybridge, Surrey, KT13 0QU, UK  
Telephone +44(0)1932 372000

[jti.com/uk](http://jti.com/uk)



## Case details for trade mark UK00002216236

### Trade mark

**Trade mark:** MAYFAIR  
**Status:** Registered

### Relevant dates

**Filing date:** 03 December 1999  
**Date of entry in register:** 16 June 2000  
**Renewal date:** 03 December 2019

### List of goods

**Class 34:** Tobacco, smoking substances; snuff; smokers' articles; cigarette papers; cigarette tubes; matches

### Name and Address details

**Owner(s) name:** Gallaher Limited  
Members Hill, Brooklands Road,  
Weybridge, Surrey, KT13 0QU, United  
Kingdom  
**Country of Incorporation:** United Kingdom

[View owner's other trade marks](#)

**IPO representative name:** Marks & Clerk LLP  
1 New York Street, Manchester, United  
Kingdom, M1 4HD

### Publication details

**First advert:** Journal : 6317 Date of publication :  
01 March 2000

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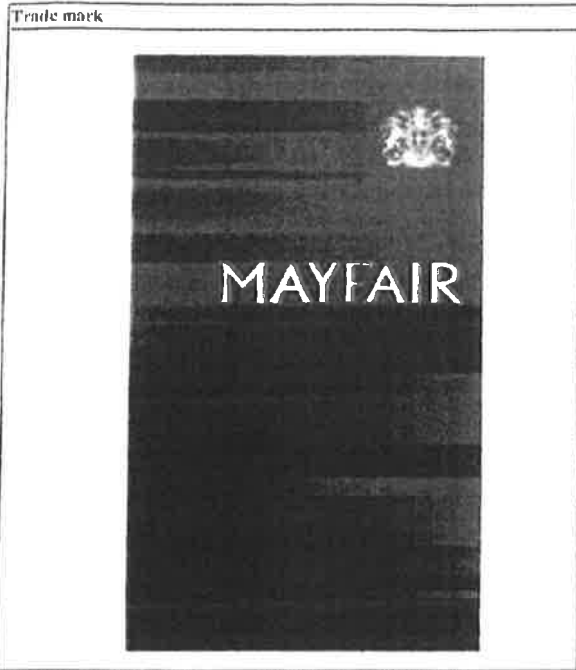
This is Exhibit 16/TS096 | KSI

Signed: .....

Dated: 14.4.16

Referred to in my Statement

Case details for trade mark UK00002521137



**Mark Description/Limitation:** MARK DESCRIPTION 'blue, light blue, silver  
**Status:** Registered

**Relevant dates**

**Filing date:** 16 July 2009  
**Date of entry in register:** 23 October 2009  
**Renewal date:** 16 July 2019

**List of goods**

**Class 34:** Tobacco; whether manufactured or unmanufactured; smoking tobacco, pipe tobacco, hand rolling tobacco, chewing tobacco, snus tobacco; cigarettes, cigars, cigarillos; substances for smoking sold separately or blended with tobacco, none being for medicinal or curative purposes; snuff; smokers' articles included in class 34; cigarette papers, cigarette tubes and matches

**Name and Address details**

**Owner(s) name:** Gallaher Limited  
 Members Hill, Brooklands Road,  
 Weybridge, Surrey, KT13 0QU, United Kingdom  
**Country of Incorporation:** United Kingdom  
**View owner's other trade marks:**  
**IPO representative name:** Marks & Clerk LLP  
 1 New York Street, Manchester, United Kingdom, M1 4HD

**Publication details**

**First advert:** Journal 6798 **Date of publication:** 14 August 2009

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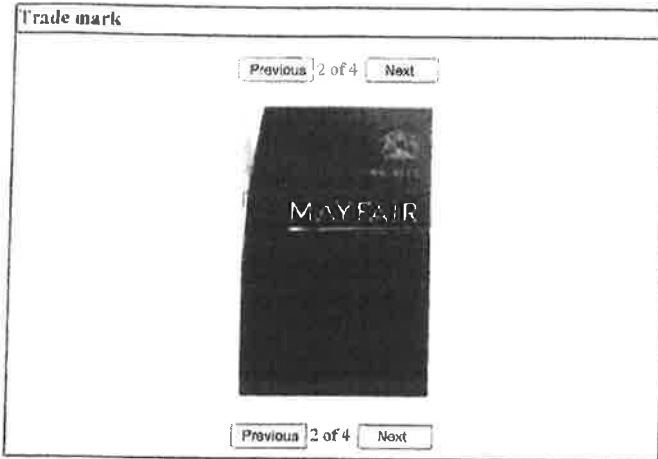
This is Exhibit 16/TS 096 | KS2

Signed: *[Signature]*

Dated: 14.04.16

Referred to in my Statement

**Case details for trade mark UK00003065809**



Number of marks in series: 4  
 Status: Registered

**Relevant dates**

Filing date: 25 July 2014  
 Date of entry in register: 23 January 2015  
 Renewal date: 25 July 2024

**List of goods**

Class 34: Tobacco, whether manufactured or unmanufactured; smoking tobacco, pipe tobacco, hand rolling tobacco, chewing tobacco, snus tobacco; cigarettes, electronic cigarettes, cigars, cigarillos; snuff; smokers' articles; cigarette papers, cigarette tubes and matches

**Name and Address details**

Owner(s) name: Gallaher Limited  
 Members Hill, Brooklands Road,  
 Weybridge, Surrey, KT13 0QU, United Kingdom

Country of incorporation: United Kingdom

[View owner's other trade marks](#)

IPO representative name: Marks & Clerk LLP  
 1 New York Street, Manchester, United Kingdom, M1 4HD

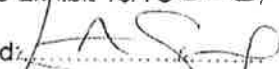
**Publication details**

First advert: Journal: 2014/047 Date of publication: 14 November 2014

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Intellectual Property Office is an operating name of the Patent Office

This is Exhibit 16/TS 096 | KS3

Signed: 

Dated: 14/4/16

Referred to in my Statement

# Appendix AB4

**WITNESS STATEMENT**  
**NORTH TYNESIDE METROPOLITAN BOROUGH COUNCIL**  
**ENVIRONMENT, HOUSING & LEISURE, PUBLIC PROTECTION SERVICES,**  
**TRADING STANDARDS**

(Criminal Procedure Rules, r27.2 Criminal Justice Act 1967, s. 9;  
Magistrates' Court Act 1980, s. 5B)

Statement of David Richard Hedley

Age of Witness: Over 18

Occupation of Witness: Senior Trading Standards Officer

This statement (consisting of 3 page(s) 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 anything which I know to be false or do not believe to be true.

Date the 14<sup>th</sup> day of March 2016 Signed 

I am a Senior Trading Standards Officer employed by North Tyneside Council being based at The Silverlink North, Cobalt Business Park, North Tyneside, NE270BY. My duties include the enforcement of the Trade Marks Act 1994 (as amended), The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002(as amended) and The Consumer Protection from Unfair Trading Regulations 2008(as amended).

On the 1<sup>st</sup> December 2015, as part of a local operation against the sale of illicit/counterfeit tobacco products, a number of premises were visited by Trading Standards, Northumbria Police and a dog handler from BWY Canine, one such premises was Prudhoe Off Licence 4-5 Prudhoe Street, North Shields, NE29 6QZ.

At approximately 11:25am I entered the premises and I introduced myself and asked the man behind the counter, who I now know to be Khalid Nabi, if I could to speak to the owner of the store, I was informed this was a Mr Ghulam Nabi who was upstairs. Mr Nabi then arrived and I showed him my warrant of authority and explained to him that myself as well as other officers and a sniffer dog intended to carry out a search of the premises for illicit/counterfeit tobacco products using powers contained under S93(2) of the Trade Marks Act 1994. I then explained the Notice of Powers and Rights document, copy produced as exhibit DRH/1a, and that he would be given a copy once we had completed our inspection. Another man then entered the store and said he was Mr Nabi's son, Ali Nabi. The store was closed off to customers and the dog handler proceeded to carry out a free search of the foodstore area of the shop looking for tobacco products, nothing was found. Mr Ghulam Nabi then asked if we wanted to search the upstairs flat I said if he consented to that then

we would, he agreed. The dog handler then moved to the rear of the premises and to the upstairs flat, they did not do a full search of the flat. The dog handler then returned to search the area behind the counter where the dog signalled the presence of tobacco under the counter. I asked Mr Ghulam Nabi and his sons if there was any tobacco under the counter and they said no. I took a photograph of the area, produced as exhibit DRH/2a. I then removed the sweets that were on the shelf at the bottom of the counter and lifted up the shelf to reveal a hidden compartment containing two plastic boxes containing Turners tobacco and packets of Mayfair cigarettes, photo produced as exhibit DRH/3a. I asked if there were anymore and Mr Nabi said no. I then lifted the next shelf along which revealed more cigarettes, photo produced as exhibit DRH/4a. All the items were removed and examined and as I believed all to be non UK duty paid or counterfeit these were seized. Mark Duffy bagged and sealed the items and while he was doing this I spoke to Mr Nabi and explained to him that we were seizing these goods as illicit, he was advised that he would be cautioned and interviewed at a later date where he would be given an opportunity to explain why the products were on the premises and in a secret storage area. I left Mr Ghulam Nabi a Code B notice of powers and rights and at approximately 11:55am we left the premises and I returned to the main North Tyneside Council offices at Cobalt Business Park, Silverlink. Mark Duffy then handed me the evidence bag R00678444 containing the tobacco and I put it in the evidence store. On the 11<sup>th</sup> December 2015 I removed the evidence bag R0678444 opened it, counted and took photos of the items. There were 60x 50g pouches of Turner tobacco, 200 Superking cigarettes and 1760 Mayfair cigarettes. I replaced them all back in the bag and sealed with seal NT00827. On the 14<sup>th</sup> December I removed seal NT00827 and took photographs of some of the items and returned all products to bag and resealed with NT000617. On 22<sup>nd</sup> December 2015 I hand delivered a letter to Mr Nabi, copy produced as exhibit DRH/5a, he opened and read the letter and we agreed that he would contact me after the 4<sup>th</sup> January to arrange a date for interview. I spoke to Mr Nabi on the 5<sup>th</sup> January and agreed an interview date of 15<sup>th</sup> January. On 14<sup>th</sup> January I removed seal NT000617 and took a sample of each type of product, 4 in total then resealed the bag with seal 3688129. The four samples were placed in evidence bag ME025667 produced as exhibit DRH/7a.

On 15<sup>th</sup> January together with Mark Duffy I interviewed Mr Nabi with his son Khalid Nabi also present, I produce a transcript of the interview as exhibit DRH/8a.

On the 29<sup>th</sup> February I opened the sample bag sealed with 3688129 and removed two packets of each type of cigarettes, for ignition propensity analysis. The bag was resealed



with seal NT00695 produced as exhibit DRH/6a. The samples were marked DRH/Mpale/RIP/1 sealed in evidence bag ME041848, DRH/MDark/RIP/2 sealed in ME041850 and DRH/Sking/RIP/3 sealed in ME041849. On the 1<sup>st</sup> March I took these to the test laboratory in Gateshead.

On 10<sup>th</sup> March I collected the samples and reports from the laboratory. I produce the tested samples as exhibit DRH/Mpale/RIP/1 sealed in evidence bag P01108261, DRH/MDark/RIP/2 sealed in evidence bag P01108262 and DRH/Sking/RIP/3 sealed in evidence bag P0118263.

*DRH/6a*  
*14/3/16*

DRH/1a



# NOTICE OF POWERS AND RIGHTS

North Tyneside Council

ISSUED IN ACCORDANCE WITH PARAGRAPH 6.7 OF CODE B UNDER THE POLICE AND CRIMINAL EVIDENCE ACT 1984

Premises \_\_\_\_\_  
 Address \_\_\_\_\_  
 Name of person receiving notice \_\_\_\_\_  
 Officer in charge \_\_\_\_\_  
 Other officers or persons present \_\_\_\_\_  
 Date 11/2/15 From (time) 11:25 am/pm to 11:55 am/pm

### ENTRY

(a) On Warrant  Time and date granted \_\_\_\_\_

(b) Inspection using Statutory Powers

This inspection visit is being carried out using statutory powers contained within the Acts/Regulations indicated below. The powers may vary between each statute. The powers have been summarised, as far as practicable, on the reverse of this Notice, together with a summary of your rights. If, during the inspection, the Officer has reason to suspect that an offence may have been committed, then he may wish to exercise additional statutory powers, as summarised overleaf.

Consumer Protection from Unfair Trading Regulations 2008 - Regulation 21  
 Business Protection from Misleading Marketing Regulations 2008 - Regulation 23  
 Trade Marks Act 1994 - Section 93  Weights and Measures Act 1985 - Section 79  
 Video Recordings Act 1984 - Section 16A  Trade Descriptions Act 1968 - Section 28  
 Consumer Protection Act 1987 - Section 29  Prices Act 1974 - Schedule 1, Paragraph 9  
 Consumer Credit Act 1974 - Section 162  
 Other (Specify) \_\_\_\_\_

The Officer is also authorised under the other statutes listed on his warrant.

(c) Search with Consent

I am employed by the Trading Standards Section of North Tyneside Council and, with your permission, I wish to inspect goods, records and documents held on these premises. You are not obliged to consent, and you must understand that anything seized may be used in evidence in any court proceedings.

I HEREBY CONSENT TO THE OFFICER NAMED ABOVE INSPECTING ANY GOODS, RECORDS OR DOCUMENTS HELD ON THE ABOVE NAMED PREMISES.  
 I HAVE READ AND UNDERSTOOD THE WARNING ABOVE.

Signature \_\_\_\_\_ Status Relative to Premises OWNER  
 Name (Block Capitals) SHUHAM NABI

### CONSENT TO USE EQUIPMENT

With your permission, I wish to make use of equipment held on the premises, namely a till, scanner or other similar equipment, for the purpose of checking prices. You are not obliged to give consent and you must understand that any information produced may be used in evidence in any court proceedings.

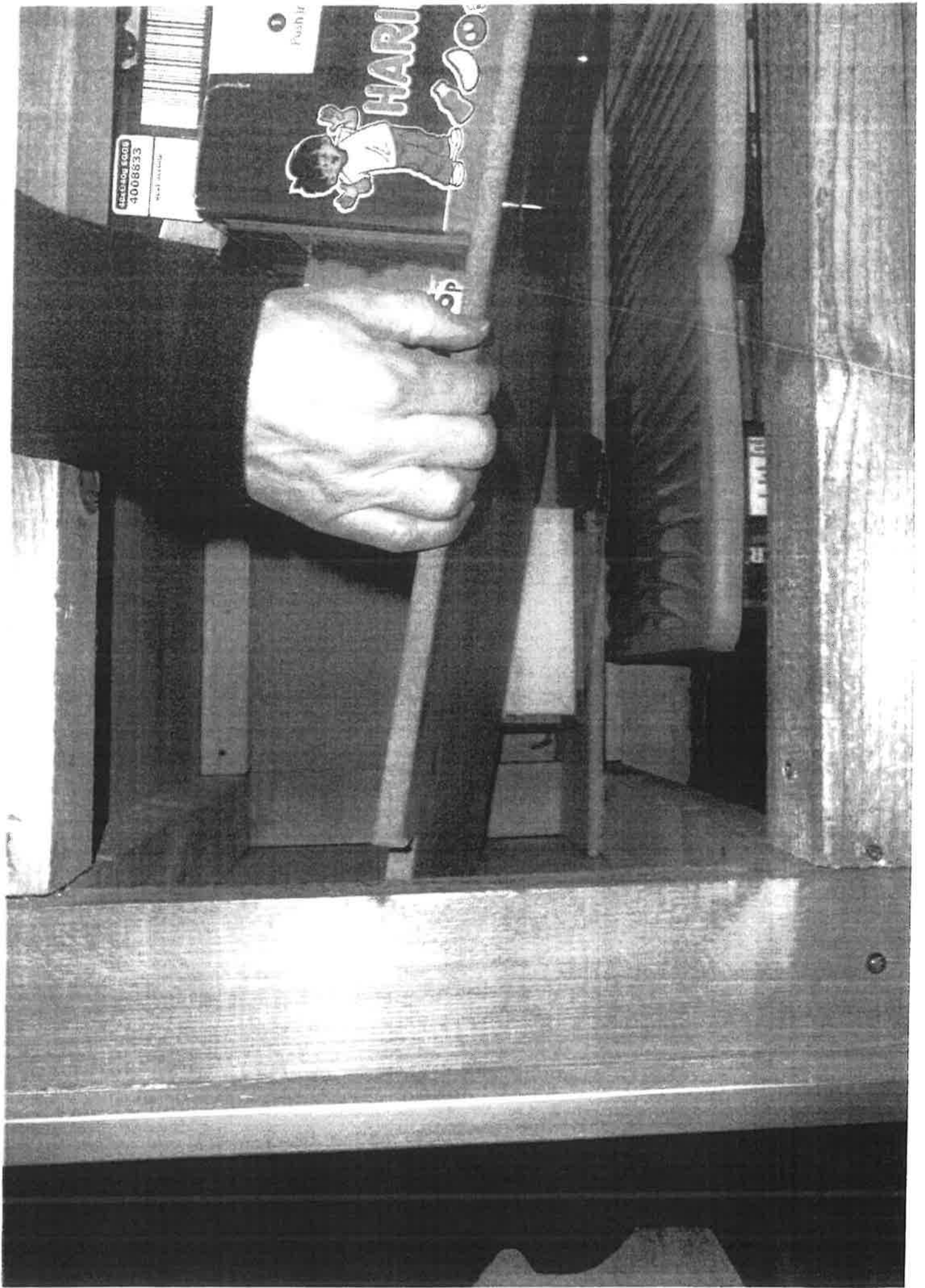
I HAVE READ AND UNDERSTOOD THE WARNING ABOVE

AS EXHIBIT DPH/1a Status Relative to Premises \_\_\_\_\_  
 DATED 11/3/15  
 SIGNED [Signature]

DRH/2a

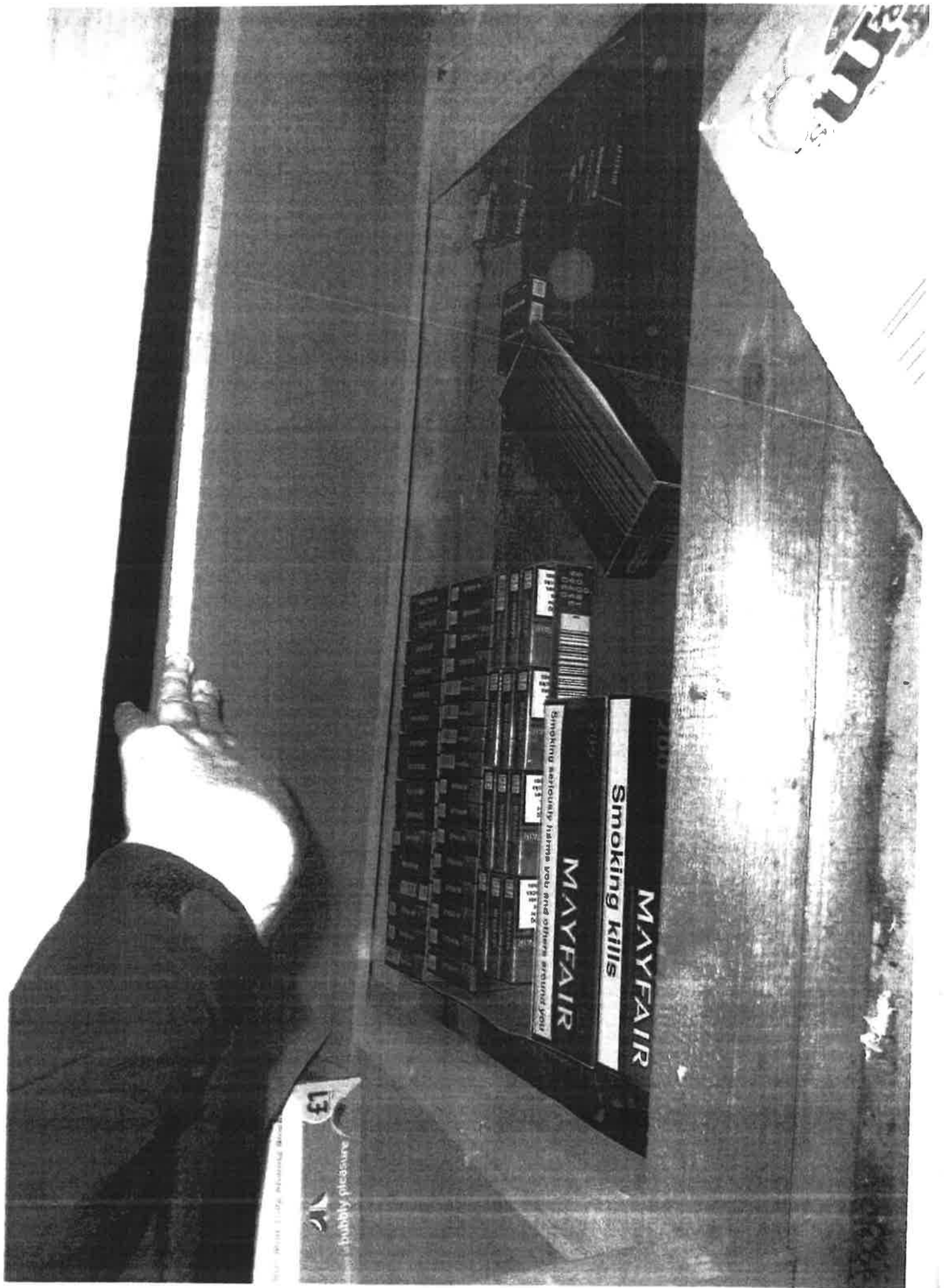


DRH/3a



DRH/4a





DRH/5a



North Tyneside Council

Working in partnership with  
**CAPITA**

Public Protection  
Trading Standards  
Quadrant East -1<sup>st</sup> Floor  
Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY

Mr Ghulam Nabi  
Prudhoe Off Licence  
4-5 Prudhoe Street  
North Shields  
NE29 6QZ

Our Ref:  
Your Ref:

Date: 22<sup>nd</sup> December 2015

This matter is being dealt with by:  
David Hedley  
**Direct Line: (0191) 643 6623**  
**Fax: (0191) 643 2426**

Email:  
dave.hedley@northtyneside.gov.uk  
Website: www.northtyneside.gov.uk

Dear Mr Nabi,

Trade Marks Act 1994  
Consumer Protection from Unfair Trading Regulations 2008  
Consumer Protection Act 1987

Following the seizure of a quantity of tobacco and cigarettes from your store on 1<sup>st</sup> December 2015 I am writing to you to arrange an interview in relation to the issues.

As you may have committed criminal offences under the above mentioned legislation and so that I can continue my investigation into these issues I invite you to attend a formal interview at these business premises in connection with this matter.

The interview will be tape recorded and undertaken in accordance with the Police and Criminal Evidence Act 1984 (as amended), you will be cautioned and asked a number of questions in respect of this matter.

I feel it is in everyone's interests to conclude matters without undue delay but please note the following caution:

**You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.**

I would strongly advise you to seek legal advice before responding to this letter, you would also be entitled to have a legal representative present at this interview if you so wish.

Could you please contact me the week beginning 4<sup>th</sup> January to arrange a suitable date and time for the interview at these business premises.

Yours faithfully,

David Hedley  
Senior Trading Standards Officer  
Trading Standards

DRH/8a

**TRADING STANDARDS**

**RECORD OF TAPE RECORDED INTERVIEW**

**Person Interviewed:** Ghulam NABI

Page 1 of 8

<b>Person Interviewed:</b>	Ghulam NABI,	i, 4/5 Prudhoe Street North Shields
<b>Place of Interview:</b>	North Tyneside Council, Quadrant, Silverlink North, Cobalt Business Park, Newcastle upon Tyne NE27 0BY	
<b>Date of Interview:</b>	15 <sup>th</sup> January 2016	
<b>Time Commenced:</b>	10:08	<b>Concluded:</b> 10:20
<b>Duration of Interview:</b>	10 mins	<b>Tape Ref:</b> DRH/1
<b>Interviewing Officers:</b>	David Hedley, Mark Duffy	
<b>Other Persons Present:</b>		

This record consisting of xx pages is the exhibit referred to in the statement made and signed by me.

Signature of Interviewing Officer:

<b>Tape Time</b>	<b>Person Speaking (initials)</b>	<b>Text</b>
1:20	<b>DH</b>	FORMAL CAUTION Do you understand the caution
	<b>GN</b>	Yes
	<b>DH</b>	Its not a police station, you are not under arrest you can go at any time you want you can get legal advice any time you want, do you understand all that
	<b>GN</b>	Yes

Signature of officer preparing record      Signed:

TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Ghulam NABI

Page 2 of 8

DH	I am interviewing you in relation to possible offence under the Consumer Protection Act , The Consumer Protection from Unfair trading Regulations and also to Trade Marks Act in relation to a quantity of tobacco that was seized from your premises in the 1st December. Can you give your full home address
GN	
DH	How long have you lived there
GN	31 years
DH	We are talking about the business at 4/5 Prudhoe Street, which is called Prudhoe Off Licence
GN	Yes
DH	How long have you been the owner of that business
GN	31 years
DH	Are you the sole owner
GN	Yes
DH	You are not in partnership, you have full control of the business
GN	Yes
DH	At the time we seized the cigarettes from yourself how many people were you employing
GN	Two
DH	What are their full names

Signature of officer preparing record      Signed:

TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Ghulam NABI

Page 3 of 8

GN	Ali Nabi and Khalid Nabi, my sons
DH	Are you normally in the shop, how often are you in the shop
GN	Am in the shop in the morning till one o'clock, not seven days, sometimes they open the shop.
DH	But normally in the morning you are there
GN	Yes, my other son is in the shop now
DH	The three of you run the shop.  So on the 1st December last year I carried out my inspection on your premises and found a quantity of tobacco and cigarettes hidden under the counter, can you explain why they were there
GN	They were in September 2016
DH	2015
GN	2015 sorry, two polish people asked if we sell tobacco and cigarettes, we said we don't. They were painting at somebody's around the corner and live in Chester le Street. After a couple of days they came again, they said they can tell us where to hide the cigarettes, so they told us they had done two shops in Chester le Street, hide the cigarettes there. So in September they made the place underneath so bought the cigarettes and put them there in September 2015.
DH	And did they provide the cigarettes
GN	They provided the cigarettes

Signature of officer preparing record      Signed:

TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Ghulam NABI

Page 4 of 8

	DH	And why did you think they were making you hide them, did you know it was illegal to have those cigarettes
	GN	Yes
	DH	You did ok, I'm going to show you photographs of the cigarettes, can you confirm these are the ones, DRH/1 thats the Turner
	GN	Thats right, the tobacco
	DH	DRH/2 The Superkings
	GN	Yes thats right
	DH	DRH/3&4 the two types of Mayfair
	DH	You have admitted its illegal to sell. You've had them since September, how many did you buy
	GN	I don't know ,erm I think about 60/65 packets of tobacco and about 10 outers of cigarettes
	DH	Did you get a receipt for these at all
	GN	No
	DH	So it was just cash Do you have the names of the people you bought them from
6:34	GN	I don't have their names because you know, Polish people you can't pronounce their names
	DH	Do you have their telephone number
	GN	I had their telephone number I haven't got it now

Signature of officer preparing record      Signed:



TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Ghulam NABI

Page 5 of 8

7.25

DH	If you find it can you please forward it to me
GN	Yes
DH	So you are saying you got 60 packets of each type, so you have obviously sold quite a few since September. The cigarettes, Mayfair have on them Duty Free
GN	Yes
DH	So they have had no Duty paid on them, so it is illegal to sell those, are you aware of that
GN	That's right
DH	So why did you sell them
GN	People were asking, you know and then we shouldn't have sold it but because the shops are very very quiet, lots of shops have closed down you know yourself, 30,000 have gone in the country not just off licences, grocery shops, shoe shops, electrical shops, supermarkets
DH	So obviously you knew it was illegal to sell them
GN	Yes
DH	That' s why you had them hidden away
GN	Yes
DH	When we came down on the 1st December you said you didn't have any
GN	That's it we stop now

Signature of officer preparing record      Signed:

TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Ghulam NABI

Page 6 of 8

DH	So why didn't you tell us straight away, were you hoping we wouldn't find them
GN	Well first of all, myself I knew then, then when I saw you my son, the other so told them to put them there, He had a deal I don't know they were there
DH	Well obviously you know as you mentioned the people saying it was a good place to hide them.  I'm showing Mr Nabi a photograph of the Superkings, DRH/2 there is a warning on them
GN	There were about 200 of them
DH	That's rights, it's got the warning in Arabic, these are only meant to for sale in the GCC countries, the Arab countries, so are you aware it is illegal to sell them in this country.
GN	Yes
DH	And you were aware on the day we took them as well
GN	Yes
MD	The cigarettes you bought, how much did you pay for them, how much did you pay the Polish guys for them
GN	The cigarettes were £25 for 200 the tobacco £5.60 per packet
9.56	MD And how much were you selling them for
GN	Selling the tobacco £7.00 and cigarettes were £3.50

Signature of officer preparing record

Signed:

TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Ghulam NABI

Page 8 of 8

GN Just that we are very very sorry for this and will not do it again, that's it

DH I take it that its only cigarettes and not alcohol

GN No, you checked before the beers, wines and spirits

DH You bought from Cash & Carry and have the receipts

GN Yes

DH I have nothing further to add

I intend to conclude the interview, the time is 10:20- I conclude the interview

Signature of officer preparing record Signed:

# Appendix AB5



NORTH TYNESIDE COUNCIL

21 MAY 2018

REFER TO:

FILE REF:

**WITNESS STATEMENT**

*(Criminal Procedure Rules, r. 16.2;  
Criminal Justice Act 1967, s. 9)*

Statement of **James Neil Ferguson**

Age of witness: over 18

Occupation of witness: Anti-Illicit Trade Executive

I am employed by Imperial Tobacco Ltd as a Regional AIT (Anti Illicit Trade) Executive. As part of my duties I am responsible for working with Trading Standards Officers and other Law Enforcement Agencies on the identification of counterfeit cigarettes and tobacco products

I have been employed by Imperial Tobacco Ltd since 2004. I am authorised to make this declaration which I do so from my own knowledge unless otherwise indicated.

On Tuesday 15<sup>th</sup> May 2018 I was shown the following exhibit by Dave Hedley from North Tyneside Trading Standards.

**Sealed evidence bag seal number P00083974 containing  
6 x 20 packets of branded Richmond King Size cigarettes.**

Having completed an examination of a selection of the packets of cigarettes I can now confirm that the print and materials used in the manufacture of the packets of cigarettes was not consistent with Imperial Tobacco Ltd specifications.

Consequently, I can state that the packets of cigarettes which I have examined were not made by Imperial Tobacco Ltd nor did Imperial Tobacco Ltd authorise their manufacture or sale.

They are in fact counterfeit.

I can confirm that Imperial Tobacco Ltd own the registered trademark for Richmond.

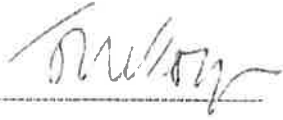
I produce a copy of the trademark certificate in respect of this brand **(JNF1)**

Imperial Tobacco Limited's products are subject to Regulatory and Quality Control. I cannot say if similar criteria are applied in the production of counterfeit products.

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 not believe to be true.

Dated the 15<sup>th</sup> May 2018

Signed \_\_\_\_\_

A handwritten signature in cursive script, appearing to read 'M. Khan', written over a horizontal line.



OHIM - OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET

OHMI - OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR

**CERTIFICATE  
OF REGISTRATION**

This Certificate of Registration is hereby issued for the Community trade mark identified below. The corresponding entries have been recorded in the Register of Community Trade Marks.

**CERTIFICAT  
D'ENREGISTREMENT**

Le présent certificat d'enregistrement est délivré pour la marque communautaire identifiée ci-dessous. Les mentions et les renseignements qui s'y rapportent ont été inscrits au registre des marques communautaires.

N° 001266311

**RICHMOND**

*Registered/Enregistrée, 14/08/2000*

*The President/Le Président*



OHMI - OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET

OHMI - OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR

450 25/07/2000

210 001266311

220 04/08/1999

442 20/03/2000

541

732

Imperial Tobacco United  
Heron Road  
Cockfield, Bristol BS19 7BJ  
GB

740 SIREYS HERIET & PERDUS

1 St Augustin's Place  
Bristol BS1 4BB  
GB

270 GB FR

511 ES - 34 - Tabaco elaborado o en bruto; productos a base de tabaco; sucedáneos para fumar vendidos por separado o mezclados con tabaco; cigarros con fines medicinales o curativos; artículos para fumar y ceniceros.

DA - 34 - Røget eller råbet eller tobak; tobaksprodukter; erstatningsrøg til rygning, der sælges separat eller blandet med tobak; røg til medicinske eller helbredende formål; artikler for rygning og tændstikker.

DE - 34 - Tabak, verarbeitet oder unverarbeitet; Tabakerzeugnisse; Ersatzstoffe zum Rauchen, einzeln verkauft oder mit Tabak gemischt; alle Artikel für medizinische oder Heilzwecke; Ersatzmaterial und Stöckchen.

EL - 34 - Κατεργασμένος και μη κατεργασμένος καπνός, προϊόντα καπνού- υποκατάστατα καπνού για κάπνισμα, χωριστά ή αναμειγμένα με καπνό, κανόνες από τα οποία δεν προορίζεται για φαρμακευτικούς ή θεραπευτικούς σκοπούς, πύλη για καπνιστές και στήριξη.

EN - 34 - Tobacco whether manufactured or unmanufactured; tobacco products; substitutes for smoking sold separately or blended with tobacco; items being for medicinal or curative purposes; smokers' articles and matches.

FR - 34 - Tabac à fumer brut ou traité; produits du tabac; succédanés de fumer vendus séparément ou mélangés avec du tabac; articles à usage médical ou curatif; articles pour fumeurs et allumettes.

IT - 34 - Tabacco grezzo o lavorato; prodotti a base di tabacco; prodotti sostitutivi per il fumo venduti separatamente o miscelati con il tabacco; non per uso medicinale o curativo; articoli per fumatori o fiammiferi.

NL - 34 - Bovensta of ondersta tabak; tabaksproducten; vervangers voor roken van afzonderlijk of met tabak vermengd worden verkocht; geen hiervan voor medische of geneesmiddelen; artikelen voor rokers en lucifers.

PT - 34 - Tabaco, manufacturado e não manufacturado; produtos de tabaco; substitutos do tabaco vendidos separadamente ou misturados com tabaco; desde que não se destinem a fins medicinais ou curativos; artigos para fumadores e fósforos.

FI - 34 - Käsitelly tai lähtökäsitellyt tupakat; tupakkatuotteet; erikseen tai tupakkain sekoitettuihin myydyt tupakkakorvikkeet; mittäin ollut ole lääkinnällisiä tai hoitokäyttöisiä; tupakkatuotteiden ja tulitusten.

SV - 34 - Tobak, bearbetad eller obearbetad; tobaksprodukter; ersättningsstämman för rökning, såväl separat eller blandad med tobak; rök av dessa varor för medicinska eller kurativa ändamål; artiklar för rökare och tändstickor.





OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET  
(TRADE MARKS AND DESIGNS)  
TRADE MARKS AND REGISTER DEPARTMENT

LOG7

STEVENS HEWLETT & PERKINS  
1 St Augustine's Place  
Bristol BS1 4UD  
REINO UNIDO

Fax: 00 44-1179228009

Alicante, 27/07/2009

**Renewal of Community Trademarks**

**Notification of Entry on the Register<sup>(1)</sup>**

Our reference	003582057
Registration number	001288311
Your reference	
CTM <sup>2</sup>	RICHMOND
ID number	18050
Name and address of CTM proprietor(s)	Imperial Tobacco Limited Lipton Road Southville, Bristol BS8 7LJ REINO UNIDO

Please be informed that the renewal of the above CTM registration was entered in the CTM Register on 28/07/2009. This renewal is valid for a period of ten years and takes effect from the date on which the existing registration expires.

Please note that the Office does not issue renewal certificates, this notification serves as the official confirmation. For further information, such as the next expiry date, please consult CTM-Online on: <http://oami.europa.eu/>.



Frédéric VENOT  
☎ +34 965 138 865

T003582057/001288311

(1) Rule 44(3)(b) of CTMR - Commission Regulation (EC) No 2008/05 of 13 December 1995 (implementing Council Regulation (EC) No 40/94 on the Community trade mark).  
CTM - Community trade mark - CTMR - Community Trade Mark Regulation - CTMR - Community Trade Mark Implementing Regulation

Avenida de Europa, 4 - E-03008 Alicante - Spain.  
Tel. + 34-965-13.0100 - Fax + 34 96 513 13.44 Internet: <http://oami.europa.eu>

# Appendix AB6



**WITNESS STATEMENT  
NORTH TYNESIDE COUNCIL  
Environment, Housing and Leisure  
Trading Standards**

*(Criminal Procedure Rules, r. 16.2;  
Criminal Justice Act 1967, s. 9)*

Statement of: David Richard Hedley

Age of Witness: Over 18

Occupation of Witness: Trading Standards Officer

This statement (consisting of 3 page(s) 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 anything which I know to be false or do not believe to be true.

Date the 8th day of August 2018 Signed DR Hedley

I am a Senior Trading Standards Officer employed by North Tyneside Council being based at The Silverlink North, Cobalt Business Park, North Tyneside, NE270BY. My duties include the enforcement of the Consumer Protection Act 1987, Tobacco and related Products Regulations 2016, Consumer Protection from Unfair Trading Regulations 2008 and the Trade Marks Act 1994.

On the 3rd May 2018, as part of a local operation against the sale of illicit/counterfeit tobacco products, a number of premises were visited by Trading Standards, Northumbria Police, HMRC and a dog handler from BWY Canine, one such premises was Prudhoe Off Licence 4/5 Prudhoe Street, North Shields.

At approximately 12:05pm I entered the premises with a policeman and an HMRC officer. I introduced myself to the man behind the counter, who I know to be Ali Nabi, I asked if he was the owner and he said yes. I showed him my warrant of authority and explained to him and his father Ghulam Nabi who was also present that myself as well as other officers from HMRC and a tobacco detection dog handler intended to carry out a search of the premises for illicit/counterfeit tobacco products using powers contained in the Consumer Rights Act 2015. I then explained the Notice of Powers and Rights document and that he would be

Signed DR Hedley

Dated 8/8/18

**RESTRICTED (when complete)**

given a copy once we had completed our inspection. The store was closed off to customers and the dog handler proceeded to carry out a search of the shop and adjoining store rooms, looking for tobacco products.

I asked Mr Ali Nabi if they had any illegal cigarettes, he said no. The dog handler then found a number of illicit tobacco products, 5 packets of Richmond cigarettes and 5 packets of foreign labelled Turner tobacco in a spare till under the counter. The dog handler then asked Mr Nabi to open a locked compartment of the main till, which he did and that was found to contain illicit tobacco, 5 packets of Richmond cigarettes and 5 packets of foreign labelled Turner tobacco I handed these to Mark Duffy to place into an evidence bag, I produce a document showing photographs of the tills as exhibit DRH1p. The dog then indicated more tobacco by a shelf and on closer inspection it appeared to have a false storage area. I then explained to Mr Nabi that I was going to force open the shelf if he didn't open it, I then noticed the shelf was held down with screws, a policemen brought me a screwdriver that was in the shop and I removed two screws, lifted the shelf that uncovered a compartment containing more illicit tobacco, 6 packets of foreign labelled Turner tobacco, 7 packets of Richmond cigarettes and 1 packet of Amber tobacco. I handed these to Mark Duffy to put into an evidence bag. I took a photos of the hidden compartment produced as exhibit DRH2p.

When we were finished I gave Mr Ali Nabi a copy of the Notice of Powers and Rights and Summary of Powers and Rights copy produced as exhibit DRH1a and a Notice of Seizure copy produced as exhibit DRH2a, that detailed the tobacco seized. We then left the premises at approximately 12:40.

Back in the office Mark Duffy handed me three evidence bags containing the seized items numbered P00083928, P083974 and ME041860.

On the 14th May I took a sample of three packets of Richmond cigarettes to the laboratory for fire propensity testing.

On the 23<sup>rd</sup> May I visited Prudhoe Off Licence to confirm details of ownership and Ali Nabi said he was sole owner and showed me cheque book that Prudhoe Off Licence printed in it, the following day I hand delivered a letter inviting Mr Nabi for interview, copy produced as exhibit DRH3a. I took photographs of the seized items as shown to Mr Nabi in interview and produce these as exhibits DRH3p, DRH4p and DRH5p.

Signed.....

Dated.....

Section 9 Witness Statement May 2011

**RESTRICTED (when complete)**

On the 6th June 2018 together with Mark Duffy I interviewed Mr Ali Nabi who had his friend Ian Dalton with him, the summary of which is:

*Mr Ali Raza Nabi stated;*

- *that he was a sole trader trading as Prudhoe Off Licence*
- *he employed his brother Khalid and his father Ghulam(part time).*
- *had been trading since 2016*
- *he was the licensee and designated premises supervisor for the purpose of the alcohol licence. When I said that I thought Ghulam was the licensee and DPS he said no it's me since 2016.*
- *the shop has a weekly turnover of ~£5000 with 20% profit 30% of which is from tobacco and alcohol.*
- *the tobacco found in the tills and hidden compartment was put there by him*
- *this tobacco was not for sale, he was just storing it for his friend Ian Dalton as Ian didn't want to store it at his home as he didn't want his wife or daughter to know that he still smoked.*
- *Mr Dalton smoked the Richmond cigarettes during the week and the hand rolling Turner tobacco at the weekend, he came to the shop each day to collect a packet.*
- *He said the Amber leaf was his dads and that was in the screwed down compartment to keep it out of the road.*
- *the compartment was screwed down so no one could see it*
- *it was in the shop as they had no other place to put it*
- *at the time of inspection he said he didn't have any on the premises as the tobacco and cigarettes were not his, "it was just heat of the moment, I didn't know what to say"*
- *he knew that they were illegal to sell*
- *Mr Dalton brought the tobacco into the shop about 29<sup>th</sup> April*
- *He was aware that they had similar issues in 2015*
- *Only Ali and Khalid Nabi knew that the cigarettes and tobacco were there (strange as his dad kept his Amber leaf there as well)*
- *Mr Dalton bought the cigarettes and tobacco from 'Alan' at the Parks Gym*

On the 12th June two officers from HMRC examined the seized goods and confirmed they were non duty paid.

Signed.....

Dated.....

Section 9 Witness Statement May 2011

DOCUMENT REFERRED TO IN MY  
STATEMENT

AS EXHIBIT ORH/a  
DATED 2/8/8  
SIGNED ORH/a



North Tyneside Council

Trading Standards Section

# NOTICE OF POWERS AND RIGHTS

ISSUED IN ACCORDANCE WITH PARAGRAPH 6.7 OF CODE B UNDER THE POLICE AND CRIMINAL EVIDENCE ACT 1984

Premises PARADISE STORES  
 Address 4-5 PARADISE STREET NORTH SHIELDS NE29 6JZ  
 Name of person receiving notice Mr. [redacted]  
 Officer in charge David [redacted]  
 Other officers or persons present Mark [redacted] / Police / HMRC  
 Date 3/5/18 From (time) 12.05 am/pm to 12.40 am/pm

### ENTRY

(a) On Warrant  Time and date granted \_\_\_\_\_

(b) Inspection using Statutory Powers

This inspection visit is being carried out using statutory powers contained within the Acts/Regulations indicated below. The powers may vary between each statute. The powers have been summarised, as far as practicable, on the reverse of this Notice, together with a summary of your rights. If, during the inspection, the Officer has reason to suspect that an offence may have been committed, then he may wish to exercise additional statutory powers, as summarised overleaf.

- Consumer Protection from Unfair Trading Regulations 2008 - Regulation 21
- Business Protection from Misleading Marketing Regulations 2008 - Regulation 23
- Trade Marks Act 1994 - Section 58
- Weights and Measures Act 1985 - Section 79
- Video Recordings Act 1984 - Section 16A
- Trade Descriptions Act 1968 - Section 28
- Consumer Protection Act 1987 - Section 29
- Prices Act 1974 - Schedule 1, Paragraph 9
- Consumer Credit Act 1974 - Section 162

Other (Specify) CONSUMER RIGHTS ACT 2005 SCHEDULE 5

The Officer is also authorised under the other statutes listed on his warrant.

(c) Search with Consent

I am employed by the Trading Standards Section of North Tyneside Council and, with your permission, I wish to inspect goods, records and documents held on these premises. You are not obliged to consent, and you must understand that anything seized may be used in evidence in any court proceedings.

I HEREBY CONSENT TO THE OFFICER NAMED ABOVE INSPECTING ANY GOODS, RECORDS OR DOCUMENTS HELD ON THE ABOVE NAMED PREMISES. I HAVE READ AND UNDERSTOOD THE WARNING ABOVE.

Signature [redacted] Status Relative to Premises OWNER  
 Name (Block Capitals) ANTHONY WABWINE LTD

### CONSENT TO USE EQUIPMENT

With your permission, I wish to make use of equipment held on the premises, namely a till, scanner or other similar equipment, for the purpose of checking prices. You are not obliged to give consent and you must understand that any information produced may be used in evidence in any court proceedings.

I HEREBY CONSENT TO THE OFFICERS NAMED ABOVE USING EQUIPMENT HELD ON THESE PREMISES. I HAVE READ AND UNDERSTOOD THE WARNING ABOVE.

Signature \_\_\_\_\_ Status Relative to Premises \_\_\_\_\_  
 Name (Block Capitals) \_\_\_\_\_

Force used to gain access

Reason why force used

Details and circumstances of any damage caused

Summary of property seized (indicate reason for their seizure)

① 10 Richmond - counterfeit  
10 Turner tobacco

② 6 Turner / 7 Richmond cigs (2cs) 1 Turner tobacco

Notes

① Found in false till behind counter

② Found in fake shell behind counter



**SUMMARY OF POWERS AND RIGHTS**

This notice should be considered as a summary only as it is impractical to list all the powers in full for each statute. The powers will vary between each statute.

POWERS OF OFFICERS	RIGHTS OF OCCUPIER
<p>A duly authorised officer may, at all reasonable times, and on production of his credentials, enter any premises other than those used wholly or mainly as a private dwelling and inspect any goods and inspect any weighing or measuring equipment. (A warrant from a Justice of the Peace may permit entry to premises used wholly or mainly as a dwelling).</p> <p>He may take with him reasonable numbers of persons or equipment as appear to him to be necessary.</p> <p>With reasonable cause to suspect that an offence has been committed, an officer may require the production of documents relating to the trade or business and may take copies of any such document.</p> <p>With reasonable cause to believe that an offence has been committed, an officer may seize and detain goods for the purpose of ascertaining whether an offence has been committed.</p> <p>He may seize and detain any goods or documents which he believes may be required as evidence in proceedings.</p> <p>In certain circumstances an officer may require any person with authority to break open any container or vending machine and if refused, may do so himself.</p> <p>In order to ascertain whether there has been a breach of any safety provision the officer may examine any procedure (including testing provisions) connected with the production of goods.</p> <p>An officer may use reasonable force in executing a warrant authorising the entry of the premises.</p>	<p>Visits must be made at a reasonable hour.</p> <p>If any of your property is seized you are entitled to be provided with a list or description within a reasonable time.</p> <p>If you wish, you or your representative will be allowed supervised access to your property so that you can examine it or have it copied or photographed. Alternatively you may be provided with a copy or photograph. In either case you are responsible for the costs. Access will not be allowed if the officer in charge of the case believes it could prejudice the investigation.</p> <p>A warrant authorises an entry on one occasion only.</p> <p>A copy of the warrant should, if practicable, be given to the occupier before the search begins. If the occupier is not present, copies of the warrant and this notice should be left in a prominent place.</p> <p>The occupier has the right to demand the production of the officer's credentials.</p> <p>No item may be seized which is subject of legal privilege.</p> <p>Property seized may only be retained for as long as is necessary in the circumstances.</p> <p>The law provides a mechanism whereby you may be entitled to compensation for any loss or damage suffered due to your goods being detained. Further details can be obtained from the Trading Standards Service at the address below.</p> <p><b>CONSENT TO INSPECTION WITHOUT POWERS.</b> You are not obliged to consent to this search and you may withdraw your consent at any time before the search is concluded.</p>

Copies of the Codes of Practice under the Police and Criminal Evidence Act and the Protection of Freedoms Act are available for examination at any office of the Trading Standards Service. Complaints or appeals concerning the conduct of this search or queries regarding compensation should be sent to the Trading Standards Manager at Trading Standards, Quadrant (East), The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY, telephone (0191) 6436621.

DOCUMENT REFERRED TO IN MY  
STATEMENT

AS EXHIBIT PR 12a

DATED 2/8/18

SIGNED [Signature]



Trading Standards Section  
North Tyneside Council, Quadrant East - 1st Floor,  
The Silverlink North Cobalt Business Park, North Tyneside, NE27 0BY  
Tel: (0191) 643 6628 Fax: (0191) 643 2426

### NOTICE OF SEIZURE

Name of Owner/Trader: Partnership of Licence Ali Nabii  
Address: 4/5 Prudhoe Street N/Sheets NE29 6QZ  
Legislation: Consumer Right Act 2015

By the powers available to me under the above legislation the goods and/or documents listed in the schedule are SEIZED pending further investigation for possible offences.

Item No.	Description of item subject to seizure	Where found	By whom
1	10 Richmond 20 cigarettes	False till	STN
2	10 Turner Tobacco 50g	"	STN
3	6 Turner tobacco 50g	False shelf	STN
4	7 Richmond 20 cigarettes	"	STN
5	1 Amber leaf 50g tobacco.	"	STN

Reason for seizure: Contraband / Non duty paid

Signed DRM Authorized Officer Date 3/5/18

Authorized Officer (CAPITAL LETTERS) DAVID HADLEY

Owner/Representative Signature \_\_\_\_\_ Date 3/5/18

Name of Owner/Representative (CAPITAL LETTERS) ALI NABII Position OWNER



North Tyneside Council

Working in partnership with

**CAPITA**

Public Protection  
Trading Standards  
Quadrant East -1<sup>st</sup> Floor  
Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY

Mr Ali Nabi  
AR & K Nabi Limited  
Prudhoe Off Licence  
4-5 Prudhoe Street  
North Shields  
NE29 6QZ

Our Ref:  
Your Ref:

Date: 24th May 2018

This matter is being dealt with by:  
David Hedley  
**Direct Line: (0191) 643 6623**

Email:  
dave.hedley@northtyneside.gov.uk  
Website: www.northtyneside.gov.uk

Dear Mr Nabi,

- Trade Marks Act 1994
- General Product Safety Regulations 2005
- The Tobacco and Related Products Regulations 2016
- The Standardised Packaging of Tobacco Products Regulations 2015

Following the seizure of a quantity of tobacco and cigarettes from your store on 3rd May I am writing to you to arrange an interview in relation to the issue.

As you may have committed criminal offences under the above mentioned legislation and so that I can continue my investigation into these issues I invite you to attend a formal interview at these business premises in connection with this matter.

The interview will be recorded and undertaken in accordance with the Police and Criminal Evidence Act 1984 (as amended), you will be cautioned and asked a number of questions in respect of this matter.

Before responding please note the following caution:

**You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.**

I would strongly advise you to seek legal advice before responding to this letter, you would also be entitled to have a legal representative present at this interview if you so wish.

Could you please contact me as soon as possible to arrange a suitable date and time for the interview at these business premises.

Yours faithfully,

David Hedley  
Senior Trading Standards Officer  
Trading Standards

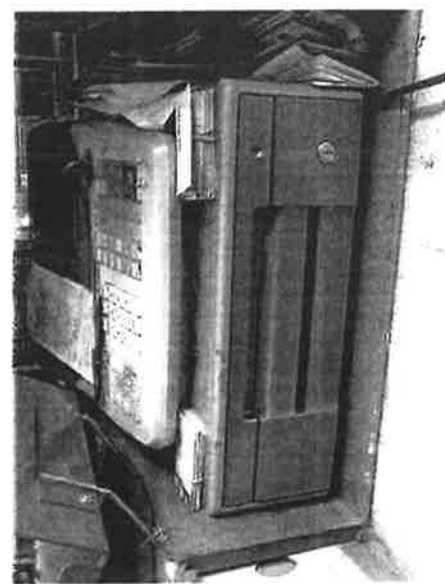
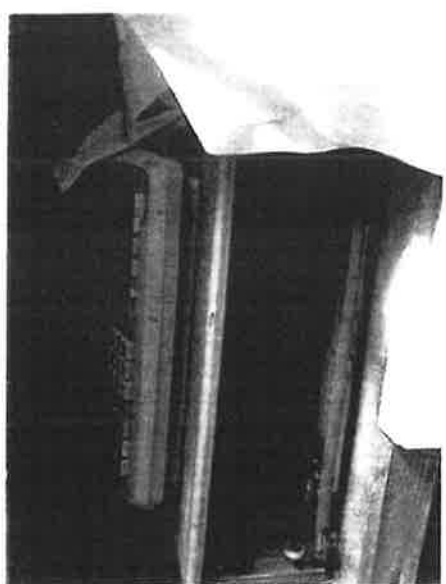
**DOCUMENT REFERRED TO IN MY STATEMENT**

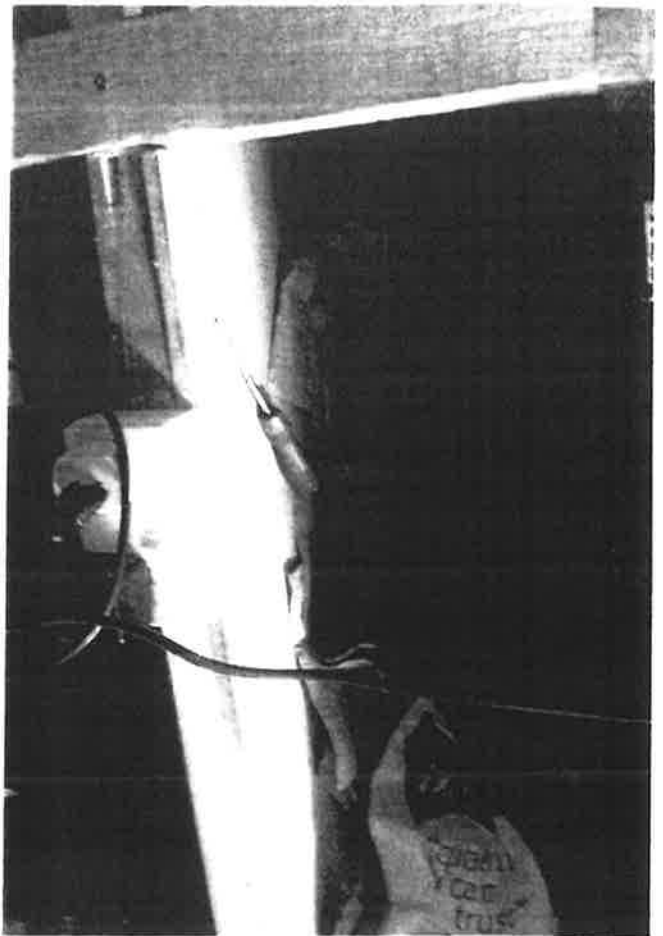
**AS EXHIBIT** DR43a

**DATED** 2/8/18

**SIGNED** [Handwritten Signature]

DRHIP

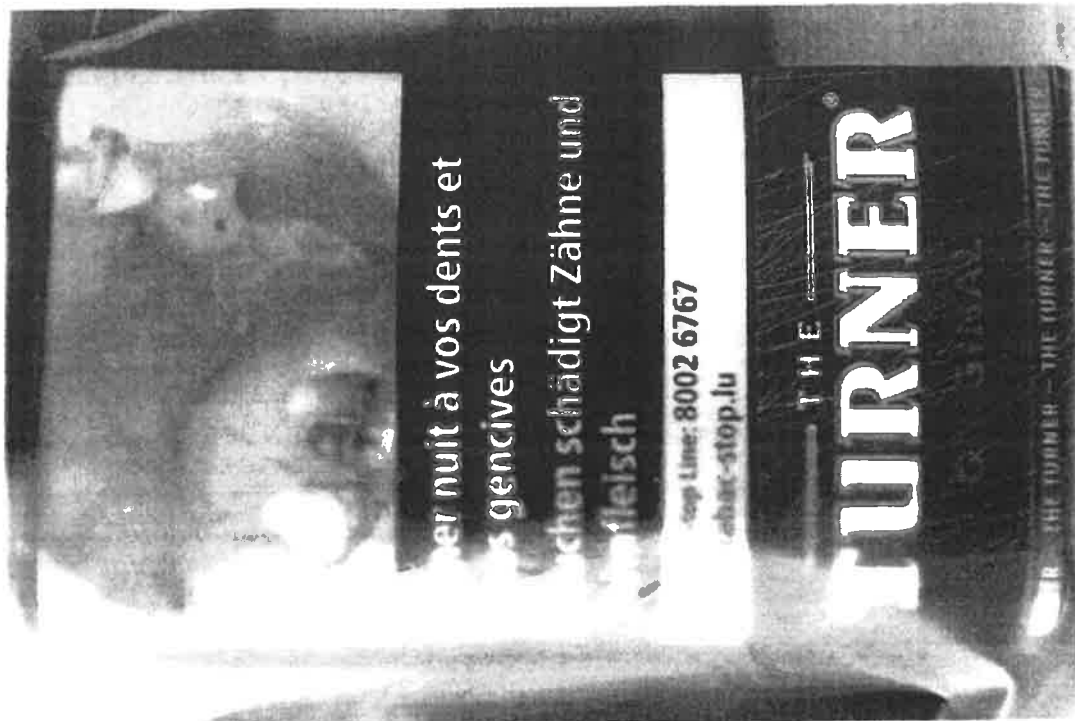




DRH 2P

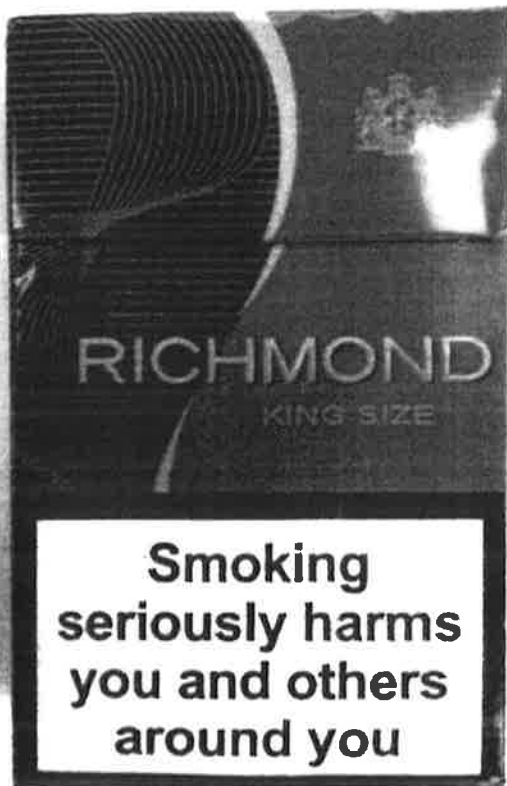
DRH 3P

20



DRH4P

25



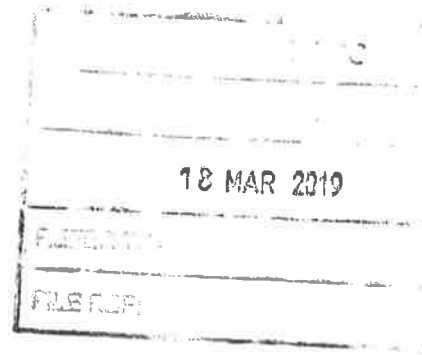


DRASP

26



# Appendix AB7



**WITNESS STATEMENT**

*(Criminal Procedure Rules, r. 16.2;  
Criminal Justice Act 1967, s. 9)*

**Statement of James Neil Ferguson**

Age of witness: over 18

Occupation of witness: Anti-Illicit Trade Executive

I am employed by Imperial Tobacco Ltd as a Regional AIT (Anti Illicit Trade) Executive. As part of my duties I am responsible for working with Trading Standards Officers and other Law Enforcement Agencies on the identification of counterfeit cigarettes and tobacco products

I have been employed by Imperial Tobacco Ltd since 2004. I am authorised to make this declaration which I do so from my own knowledge unless otherwise indicated.

On Thursday 14th March 2019 I received the following exhibits from David Hedley from North Tyneside Trading Standards.

**Sealed evidence bag number N00142033 containing the following exhibit.**

**Exhibit number DRH/REGAL/NF**

1 x 20 packet of branded Regal King Size cigarettes.

Having completed an examination of the packet of cigarettes I can now confirm that the print and materials used in the manufacture of the packet of cigarettes was not consistent with Imperial Tobacco Ltd specifications.

Consequently, I can state that the packet of cigarettes which I have examined was not made by Imperial Tobacco Ltd nor did Imperial Tobacco Ltd authorise its manufacture or sale.

It is in fact counterfeit.

I can confirm that Imperial Tobacco Ltd own the registered trademark for Regal.

I produce a copy of the trademark certificate in respect of this brand (JNF1)

Imperial Tobacco Limited's products are subject to Regulatory and Quality Control. I cannot say if similar criteria are applied in the production of counterfeit products.

I returned the exhibits to David Hedley.

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 not believe to be true.

Dated the 15<sup>th</sup> March 2019

Signed

A handwritten signature in black ink, appearing to be 'M. J. ...', written over a horizontal dashed line.

**TRADE MARKS  
REGISTRY**



**REGISTRATION  
CERTIFICATE**

Trade Marks Act 1994 of Great

Britain and Northern Ireland

The mark shown below has been registered under No. 2363037 as of the date 12 May 2004.

**REGAL**

The mark has been registered in respect of:

Class 34:

Tobacco, tobacco products, cigarettes, cigars, cigarillos, cigarette papers, smokers' articles and matches.

In the name of Imperial Tobacco Limited

Signed this day at my direction

A handwritten signature in cursive script, appearing to read 'Ron Marchant', written over a horizontal line.

RON MARCHANT, REGISTRAR  
DATE 15 October 2004



Intellectual  
Property  
Office

Concept House  
Cardiff Road, Newport  
NP10 8QQ

T +44 (0) 30 0300 2000  
MC +44 (0) 30 0020 0015

Stevens Hewlett & Perkins  
1 St Augustines Place  
Bristol  
UK  
BS1 4UD

08 March 2014

## CERTIFICATE OF RENEWAL OF TRADE MARK

Trade Mark Number : **UK00002363037**  
In Class(es) : **34**  
registered in the name of : **Imperial Tobacco Limited**  
has been renewed until : **12 May 2024**  
Your Reference : **LJK/98530**

---

**IMPORTANT** We have shown the first 100 characters of the owners name as recorded in the register of Trade Marks. If this is wrong, please fill in and send us a form TM16 if ownership has changed or a form TM21A for other changes.

If you have any queries on this renewal, they should be addressed to the Renewal Section on 01633 814433.

# Appendix AB8



Working in partnership with

**CAPITA**

Public Protection Services  
Trading Standards  
Quadrant East  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY  
[www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)

Mr Khalid Nabi & Ghulam Nabi  
Prudhoe Stores  
4 - 5 Prudhoe Street  
North Shields  
Tyne & Wear  
NE29 6QZ

Our Ref: MD/LA/PS

Your Ref:

Date: 23 January 2017

This matter is being dealt with  
by: Alan Burnett  
[alan.burnett@northtyneside.gov.uk](mailto:alan.burnett@northtyneside.gov.uk)

Direct Line: (0191) 6436621  
Fax: (0191) 6432426

Dear Mr Nabi

**Warning Letter**  
**The Licensing Act 2013**  
**Sale of Alcohol to a Minor on 9<sup>th</sup> December 2016**

I write further to my discussion with you on the 12<sup>th</sup> January 2017 regarding the above incident.

On Friday 9<sup>th</sup> December 2017 as part of a joint test purchasing exercise by officers from this Authority and Northumbria Police a 16 year old male volunteer visited your store and attempted to buy alcohol. The volunteer approached the till and proceeded to purchase 4 cans of Foster lager. He was not asked for any ID or asked his age.

As you are aware it a criminal offence under the Licensing Act 2003 to sell alcohol to a person under 18 years of age. At the time Mr Ghulam Nabi, who sold the alcohol received a £90 fixed penalty notice issued by a Police Officer for contravention of section 146 of the 2003 Act.

On the 12<sup>th</sup> January 2017, I discussed with you what procedures you have in place to help prevent sales of age restricted products to minors. During our discussion you were not able to produce a refusals book/log detailing challenges made to person appearing to be under 18 attempting to purchase alcohol, You did inform me that you operate a challenge 25 policy. You further informed me that you do not keep staff training records.

The Licensing Act 2003 provides a defence if a sale to a person under 18 occurs, if you can show you took all reasonable precautions, and exercised all due diligence to avoid committing an offence. While ultimately what steps are necessary to satisfy this defence would be up to a court of law to decide I would advise you to consider adopting the following steps: -



- Remind your staff and family members who work in the shop of the law relating to the sale of age restricted products such as alcohol. It would be advisable for each individual member to be given their own personal training record. Such as the one the contained the Age Aware pack I gave to you. This should include a signed statement by them that they have received advice and training from you regarding the sale of age restricted products.
- Members of staff should be advised that they, themselves, may be personally liable if they sell to young persons in breach of the legal requirements. If there is any doubt as to the age of a purchaser they should ask the prospective purchaser for suitable photographic identification, such as a passport, driving licence or a Proof of Age Standards Scheme (PASS) accredited proof of age card such as Citizenscard. If the person cannot provide satisfactory identification then the sale should be refused. Do not merely ask a person for their date of birth.
- You should hold regular refresher staff training sessions.
- You should maintain a refusals book/log for all age restricted products. Make sure all staff and anyone else who serves in the store record all refusals in this book. The refusals book should also be inspected and signed-off by you on a regular basis to ensure staff are following procedures. The refusals book should be kept close to the till.
- Operate a Challenge 25 policy. This means asking for ID from anyone who appears to be under 25 years old. This can help minimise the risk of making an underage sale and can assist any staff who are faced with making judgements about a purchaser's age. You informed me you intend to operate such a policy in the future.
- Display challenge 25 posters around your premises.

Further guidance on the law relating to age restricted products is contained in the Age Aware guidance pack which was supplied to you on the 15 April 2014. I have also included another Age aware guidance pack with this letter.

After due consideration of the full circumstances, it has been decided on this occasion to ask you to vary your premise licence to include the attached four licence conditions using the minor variation of premise licence form which is enclosed with this letter. Failure to do this may result in a formal review of the premises licence by ourselves or Northumbria Police which will result in a formal hearing before the Licensing Committee.

You are warned that should a similar incident occur in the future we may reach a different conclusion and commence criminal proceedings against the seller, licensee and/or any persons who may be vicariously liable.

It is my duty to draw your attention to the relevant provisions of the Licensing Act 2003, as set out in the enclosed Memorandum.

As discussed one of the methods used by Trading Standards to check whether or not sellers of age restricted products are complying with the law is to use child volunteers to visit shops to attempt to purchase such products. As such your store together with other stores which sell age restrictive products will be visited in the future.

Should you have any queries regarding this matter or require further advice in respect of the issues raised, please do not hesitate to contact me on 019 6436621.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Burnett', written in a cursive style.

Alan Burnett

**Trading Standards and Licensing Group Leader**



Working in partnership with  
**CAPITA**

Public Protection Services  
Trading Standards  
Quadrant East  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY  
[www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)

Prudhoe Stores  
4 - 5 Prudhoe Street  
North Shields  
Tyne & Wear  
NE29 6QZ

Our Ref: MD/LA/AN

Your Ref:

Date: 5<sup>th</sup> January 2017

For the attention of Mr Ali Nabi

This matter is being dealt with by  
Alan Burnett  
[alan.burnett@northtyneside.gov.uk](mailto:alan.burnett@northtyneside.gov.uk)

## MEMORANDUM

Your attention is drawn to relevant extracts of the Licensing Act 2003, a full copy of which is available from any branch of The Stationery Office or on the website [www.legislation.gov.uk](http://www.legislation.gov.uk)

### Licensing Act 2003

#### Section 146 Sale of Alcohol to Children

- (1) A person commits an offence if he sells alcohol to an individual aged under 18.
- (2) A club commits an offence if alcohol is supplied by it or on its behalf-
  - (a) to, or to the order of, a member of the club who is aged under 18, or
  - (b) to the order of a member of the club, to an individual who is aged under 18.
- (3) A person commits an offence if he supplies alcohol on behalf of a club-
  - (a) to, or to the order of, a member of the club who is aged under 18, or
  - (b) to the order of a member of the club, to an individual who is aged under 18.
- (4) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that-
  - (a) he believed that the individual was aged 18 or over, and
  - (b) either-
    - (i) he had taken all reasonable steps to establish the individual's age, or
    - (ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.
- (5) For the purposes of subsection (4), a person is treated as having taken all reasonable steps to establish an individual's age if-
  - (a) he asked the individual for evidence of his age, and
  - (b) the evidence would have convinced a reasonable person.
- (6) Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 (£5,000) on the standard scale.

## **Section 153 Prohibition of unsupervised sales by children**

(1) A responsible person commits an offence if on any relevant premises he knowingly allows an individual aged under 18 to make on the premises-

- (a) any sale of alcohol, or
- (b) any supply of alcohol by or on behalf of a club to or to the order of a member of the club,

unless the sale or supply has been specifically approved by that or another responsible person.

(2) But subsection (1) does not apply where-

- (a) the alcohol is sold or supplied for consumption with a table meal,
- (b) it is sold or supplied in premises which are being used for the service of table meals (or in a part of any premises which is being so used), and
- (c) the premises are (or the part is) not used for the sale or supply of alcohol otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

(3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 (£200) on the standard scale.

(4) In this section "responsible person" means-

- (a) in relation to licensed premises-
  - (i) the holder of a premises licence in respect of the premises,
  - (ii) the designated premises supervisor (if any) under such a licence, or
  - (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,
- (b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question, and
- (c) in relation to premises which may be used for a permitted temporary activity by virtue of Part 5-
  - (i) the premises user, or
  - (ii) any individual aged 18 or over who is authorised for the purposes of this section by the premises user.

Of which notice is hereby given.

.....

**Alan Burnett**

**Trading Standards and Licensing Group Leader  
Trading Standards**

## Recommended Licence Conditions

1. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking to purchase or obtain alcohol from the premises. Such credible evidence shall include either be a passport, photographic driving licence or proof of age card carrying a "pass" logo.
2. A book detailing all challenges of customers as to their age and the outcome of those challenges will be maintained and kept at the premises at all times and will be made available for inspection on request and removal if necessary by the Council's licensing officers or Police representatives.
3. The book detailing challenges as to the age of customers will be inspected by any Designated Premise Supervisor or manager employed at the premises on a weekly basis and a signed declaration made in the book each week by such person declaring that the book has been duly inspected by them.
4. There will be notices prominently displayed at the premises, particularly at points of sale and where alcohol is displayed for sale, stating that a challenge 25 policy operates at the premises and that appropriate photographic identification will be required to be produced on request.

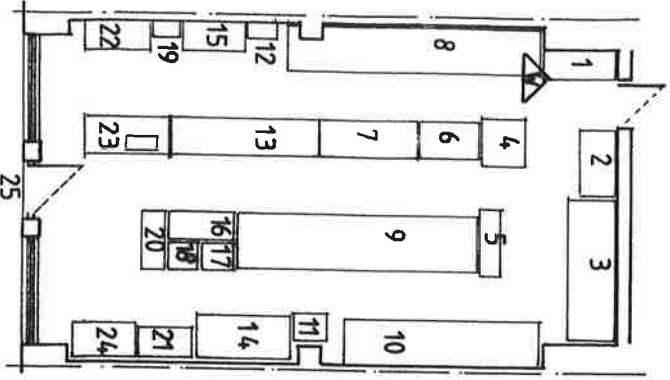
## **APPENDIX 2**

SHOP LAYOUT

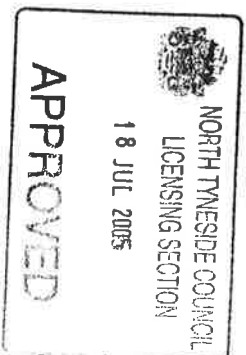
4 Prudhoe Street

North Shields

Scale - 1:100.



- 1 Wine shelving
  - 2 Double fridge beer and aldnopops
  - 3 General goods
  - 4 Bar, loga stock
  - 5 Servisps
  - 6 Double freezer ice cream
  - 7 Double freezer frozen goods
  - 8 Wine, spirits cans & aldnopops
  - 9 General goods
  - 10 General goods and pop
  - 11 Single fridge milk
  - 12 Sundries
  - 13 sweets
  - 14 General goods
  - 15 Cigarettes
  - 16 Bread rack
  - 17 veg rack
  - 18 pop rack
  - 19 Sundries
  - 20 crisps
  - 21 Double fridge pop
  - 22 spirits
  - 23 Sals counter with till
  - 24 Double fridge - cheese & butter
  - 25 Accas door from highway
- A water portable fire extinguisher



## **APPENDIX 3**



# Licensing

## Prudhoe Off Licence Store, 4/7 Prudhoe Street, North Shields



North Tyneside Council



Scale : 1:1250

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Organisation	North Tyneside Council
Department	Licensing Section
Comments	Premises Licence
Date	11 June 2005
SLA Number	100017901

## **APPENDIX 4**



North Tyneside Council

# PREMISES LICENCE

Schedule 12 – Part A

**Premises Licence number:**

**00CK/17/0255**

## Part 1 - Premises details

**Postal address of premises:**

**Prudhoe Off-Licence Store**

4 - 5 Prudhoe Street

North Shields

Tyne And Wear

NE29 6QZ

**Where the licence is time limited the dates:**

**Licensable activities authorised by the licence:**

Supply of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Supply of Alcohol:** Monday to Saturday **From:**08:00 **Until:**23:00 and Sunday **From:**10:00 **Until:**22:30

**The opening hours of the premises:**

Not Limited

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:**

Off Premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mr Ghulam Nabi  
7 Prudhoe Street, North Shields, Tyne And Wear, NE29 6QZ

**Registered number of holder, for example company number, charity number (where applicable):**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Mr Ghulam Nabi,  
7 Prudhoe Street, North Shields Tyne And Wear, NE29 6QZ

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:**

00CK/05/0294 North Tyneside Council

## Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under this 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 this premises licence must be made or authorised by a person who holds a personal licence.

### The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - with effect from 1st October 2010 as amended on 1st October 2014

- 1.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premise licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3)The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

### The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 with effect from 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
  - (a)"duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b)"permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a

**premises licence—**

- (i)**  
the holder of the premises licence,
- (ii)**  
the designated premises supervisor (if any) in respect of such a licence, or
- (iii)**  
the personal licence holder who makes or authorises a supply of alcohol under such a licence;

**(d)**  
"relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

**(e)**  
"valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Annex 2 - Conditions consistent with the operating schedule**

- 1. This licence is granted subject to conditions which reproduce the effect of any restrictions imposed on the use of the premises for the existing licensable activity by virtue of schedule 8, Paragraph 6(8) and 18(5) of the Licensing Act 2003. The restrictions are contained in the following Acts: the Licensing Act 1964, the Children and Young Persons Act 1963, the Cinematograph (Safety) Regulations 1955 and the Sporting Events (Control of Alcohol Etc) Act 1985.**
- 2. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years of age and who is seeking to purchase or obtain alcohol from the premises. Such credible evidence shall either be a passport, photographic driving licence or proof of age card carrying a "pass" logo.**
- 3. A book detailing all challenges of customers as to their age and the outcome of those challenges will be maintained and kept at the premises at all times and will be made available for inspection on request and removal if necessary by the Council's Licensing Officers or Police representatives.**
- 4. The book detailing challenges as to the age of customers will be inspected by any Designated Premise Supervisor or manager employed at the premises on a weekly basis and a signed declaration made in the book each week by such person declaring that the book has been duly inspected by them.**
- 5. There will be notices prominently displayed at the premises, particularly at points of sale and where alcohol is displayed for sale, stating that a challenge 25 policy operates at the premises and that appropriate photographic identification will be required to be produced on request.**

**Annex 3 - Conditions attached after a hearing by the licensing authority**



## **Annex 4 - Plans**

See attached

## **APPENDIX 5**



### Section 3 – Objection Details

My representation is based on the following:

**Prudhoe Off Licence**

**4-5 Prudhoe Street**

**North Shields**

**NE29 6QZ**

**Premises Licence Number: OOCK/17/0255.**

**Premises Licence Holder: Mr Ghulam Nabi.**

**Designated Premise Supervisor: Mr Ghulam Nabi.**

Northumbria Police wish to support the application from Local weights and Measures Authority, North Tyneside Trading Standards, for a review of the above named premises licence on the grounds of Crime and Disorder and Protection of Children from Harm.

The premise is situated on Prudhoe Street, near to the roundabout of the junction of Howdon Road and Waterville Road. It is within easy reach of North Shields Town centre and Public houses and shops.

On 14 January 2014, Mr Kirkpatrick Licensing Officer for the Police and Mr Hedley from North Tyneside trading Standards visited this shop; there was a complaint about Mr Ghulam Nabi selling alcohol via proxy sale to children. There were no CCTV cameras outside to monitor this. An inspection of the refusals register was conducted and found that the register had not been utilised in several months. Suitable advice was given to Mr G Nabi about keeping the document up to date.

In October 2014 the Police had received, through community intelligence, complaints about this shop selling cigarettes/tobacco to anybody from under the counter; it was further stated that the cigarettes and tobacco were counterfeit.

On 02 April 2015 an anonymous female called the Police; the person informed the Police; " my 13 year old friend can buy cigarettes at Prudhoe off licence and my 17 year old other friend can get alcohol" This was a third party report but it was passed to Mr Kirkpatrick to action.

On 09 December 2016 a test purchase was conducted at Prudhoe off licence as well as other premises in North Shields; Mr Ghulam Nabi sold alcohol to a child and a fixed penalty was issued and has been paid.

May I request the committee to have regard to revised guidance issued under section 182 of the Licensing Act 2003 (April 2018), Section 11.26.

Where the licensing Authority is conducting a review on the grounds that the premise has been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective.

May I request the committee to have regard to revised guidance issued under section 182 of the Licensing Act 2003 (April 2018), Section 11.27.

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are 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 the propensity for crime of young people:
- For the sale or storage of smuggled tobacco and alcohol.

May I request the committee to have regard to revised guidance issued under section 182 of the Licensing Act 2003 (April 2018), Section 11.28.

It is envisaged that licensing authorities, the Police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the Licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that, revocation on the licence-even in the first instance-should be seriously considered.

In August 2017 the police received through community intelligence that Prudhoe off licence was selling counterfeit tobacco/cigarettes. This was passed on to Trading Standards in North Tyneside council.

From December 2015 to date, The local Weights and Measures of North Tyneside council, assisted by Northumbria Police, have visited Prudhoe off licence in North Shields eight times; The operations have been an intelligence lead, partnership approach, reacting to the concerns of the community of North Shields.

Four of these have resulted in the seizure of illicit tobacco products. The owner and his son have admitted to the criminal possession of these items. One of the visits resulted in a sale of alcohol to a child by the DPS, who is also the Premises Licence Holder.

Northumbria police have lost confidence in the management of Prudhoe off licence in North Shields. The consistent poor management of the premises is of serious concern.

Due to the serious nature of this review, the selling of alcohol to a child, the consistent disregard for persistently storing and selling illegal/counterfeit tobacco and cigarettes Northumbria Police request the licensing committee to consider revocation of the premises licence, even in the first instance.

C/Insp Clare Langley 7178.

Signed.....*Clare Langley*..... Dated .....*9th April 2019*.....



North Tyneside Council

3

Quadrant East,  
The Silverlink North,  
Cobalt Business Park,  
North Tyneside, NE27 0BY

North Tyneside Licensing Committee  
North Tyneside Council  
Quadrant East  
Cobalt Business Park  
Silverlink North  
North Tyneside  
NE25 9DT

16<sup>th</sup> April 2019

Dear Sir/Madam

**Review of Premises Licence Prudhoe Off licence, 4-5 Prudhoe Street, North Shields**

We respectfully request that the licensing committee revoke the licence for the above premises in order to safeguard children and prevent crime.

We are extremely concerned about the wealth of evidence supplied by Trading Standards and the Police which demonstrates that Mr Ghulam Nabi as the licensee and designated premises supervisor does not take his responsibility seriously evidenced by both himself and his two sons who are involved with the business, having engaged in criminal activity on repeated occasions.

We do not believe that the premises licence holder up holds the licensing objectives and he has failed to protect children from harm by engaging in criminal behaviour.

While the failed test purchase for alcohol was back in 2016 and there have been no further failed test purchases, the repeated sales of illicit tobacco are extremely concerning. While fewer people than ever are now smoking, illegal cigarettes are often responsible for getting children initiated in to smoking as they can buy it at pocket money prices from people who don't care who they sell to. The figures, from the most recent North East Illegal Tobacco Survey identified that 55% of children aged 14 and 15 in the North East who smoke, reported buying illegal tobacco from sources from small independent shops and "tab houses". The sale of illegal tobacco is a criminal activity that supports a trade that encourages children to become hooked on cigarettes at younger ages and promotes dangerous products. Counterfeit tobacco has also been found to contain arsenic, rat droppings and far more tar and carbon monoxide than legal products.

It is clear that in order to protect children from harm and prevent further criminal activity that this premises licence should be revoked.

Thank you for the opportunity to raise our concerns and should you require any further detail please do not hesitate to contact us.

Yours faithfully,



**Wendy Burke**  
**Director of Public Health**  
**and Responsible Authority**



**Sue Burns**  
**Local safeguarding Children's Board Manager**  
**and Responsible Authority on behalf of LSCB**