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## SPEAKERS PANEL (LIQUOR LICENSING)

**Day:** Tuesday  
**Date:** 4 April 2023  
**Time:** 10.00 am  
**Place:** Committee Room 2 - Tameside One

Item No.	AGENDA	Page No
1.	<b>APOLOGIES FOR ABSENCE</b> To receive any apologies for absence.	
2.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest.	
3.	<b>MINUTES</b> To approve as a correct record the Minutes of the proceedings of the meeting of Speakers Panel (Liquor Licensing) held on 17 January 2023.	1 - 8
4.	<b>APPLICATION FOR A REVIEW OF A PREMISES LICENCE – PL0197 – MARIA AND PHILLIP, 7 STOCKPORT ROAD, HYDE, SK14 1RH</b> To consider the attached report of the Assistant Director, Operations and Neighbourhoods.	9 - 126

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Carolyn Eaton, Principal Democratic Services Officer, 0161 342 3050 or [carolyn.eaton@tameside.gov.uk](mailto:carolyn.eaton@tameside.gov.uk), to whom any apologies for absence should be notified.

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# Agenda Item 3

## SPEAKERS PANEL (LIQUOR LICENSING)

17 January 2023

Commenced: 1.05pm

Terminated: 4.15pm

**Present:** Councillors Drennan (Chair), Bowden and Warrington

**In Attendance:** Mike Robinson Regulatory Services Manager, TMBC  
Gemma Lee Regulatory Compliance Officer, TMBC  
Ashleigh Melia Solicitor, TMBC  
David Pickles Applicant  
Colette Schofield Secretary, Droylsden Cricket Club  
Mr Harris Chairman, Droylsden Cricket Club  
Resident A (Mr & Mrs) Persons submitting representations

### 13. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 14. MINUTES

#### RESOLVED

That the Minutes of the meetings of the Speakers' Panel (Liquor Licensing) held on 6 December 2022 be approved as a correct record.

### 12. APPLICATION FOR A PREMISES LICENCE – DROYLSDEN CRICKET CLUB, GARDENFOLD WAY, DROYLSDEN, M43 7XU

Mr Robinson, Regulatory Services Manager, presented the report to the Panel and outlined the key legislation and policy guidance under Section 17 of the Licensing Act 2003, which outlined the procedure whereby an application could be made to the Licensing Authority for a premises licence.

Mr Robinson identified the steps available to the Panel in determining the application.

Mr Robinson informed the Panel of the brief background to the application as set out in the report and summarised the representation received from Resident A.

He explained that Droylsden Cricket Club, Gardenfold Way, Droylsden, M43 7XU was a licensed premises. The Club held a Club Premises Certificate since 7 March 2006. The Club premises Certificate allowed the supply of alcohol by, or on behalf of the club, to a member of the club and the sale of alcohol by, or on behalf of the club, to a guest of a member.

The current licensable activities and timings were as detailed below:

Licensable Activity	Current Licensable Activities		Licensable Activities Applied for	
Play	Mon - Sat	11:00-23:00		
	Sun	12:00 – 22:30		
Live Music	Mon – Sat	11:00-23:00	Mon – Thurs	12:00-22:00
	Sun	12:00 – 22:30	Fri	17:00-22:30
			Sat	12:00-22:30
			Sun	12:00-22:00

Recorded Music	Mon – Sat	11:00 – 23:00	Mon – Thurs	12:00-23:00
	Sun	12:00 – 22:30	Fri – Sat	12:00-00:00
			Sun	12:00-23:30
Performances of Dance	Mon – Sat	12:00 – 23:00		
	Sun	12:00 – 22:30		
Anything of a similar description to recorded music and live music			Mon - Thurs	12:00-23:00
			Fri - Sat	12:00-00:00
			Sun	12:00-23:30
Sale of Alcohol	Mon – Sat	11:00-23:00	Mon – Thurs	12:00-00:00
	Sun	12:00 – 22:30	Fri - Sat	12:00-02:00
			Sun	12:00-00:30
Late night refreshments			Mon – Thurs	12:00-00:00
			Fri - Sat	12:00-02:00
			Sun	12:00-00:00
Provision of Regulated Entertainment	Mon - Sat	11:00-23:00	Mon – Sun	
	Sun	12:00-22:30		
Opening Hours	Mon - Sat	11:00-23:00	Mon - Thurs	12:00-01:00
	Sun	12:00 – 22:30	Fri	12:00-02:30
			Sat	09:00-03:00
			Sun	09:00-01:00

Mr Robinson informed the Panel that the Licensing Department received a complaint on 20 June 2022 in relation to noise and allegations that the premises had been operating outside the hours of the club premises certificate. The complaint which was received by email, was appended as Appendix 3 to the report.

Mr Robinson explained that the complainant provided videos to the Council taken from a bedroom within their property. The videos were sent to Ms Gemma Lee, Regulatory Compliance Officer, on 27 June 2022, 18 July 2022 and 7 October 2022.

Mr Robinson explained that on 18 July 2022 a meeting took place between committee members from the club and officers from the Licensing Department to discuss the allegations. It became apparent that the club was not operating solely as a club, as on occasions the premises was hired out for private functions. The committee of the club were advised that a premises licence would be required and in the interim, if licensable activities were taking place outside the permitted hours on the Club Premises Certificate, then a Temporary Event Notice (TEN) would be required. Following this meeting, the club applied for a number of TENs on a number of dates. Mr Robinson confirmed that the dates set out in the report were wrong and confirmed the dates as follows:

- 06/08/22 9am expired on 07/08/22 1am
- 01/10/22 17:00 expired on 02/10/22 2am
- 03/12/22 19.00 expired on 04/12/22 1am
- 31/12/22 17.00 expired on 01/01/23 3am

Mr Robinson explained that on 9 November 2022, a visit to the premises was conducted by Ms Lee who observed that the notice was not displayed, therefore the consultation was stopped immediately. Ms Lee re-visited the following day and the notice was displayed and the advertisement requirements contained within Regulations 25 and 26 of the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005 had been correctly followed. The consultation restarted on 10 November 2022 and concluded on 7 December 2022.

Mr Robinson referred to the addendums to the agenda pack, namely Appendix 9, Appendix 10 and Appendix 11.

Mr Robinson explained that additional information had been submitted by email 24 hours before the hearing by Resident A and that the Applicant agreed to this being used as evidence. This information included:

- Timeline of evidence by Resident A
- Email from Ms Lee to Mr Robinson dated 16 December 2022
- Letter to the club from Ian Lewis
- Copy of a complaint log made by Resident A to Greater Manchester Police

Mr Robinson explained that Resident A also asked the Panel to consider the licences for Droylsden Catholic Club.

Mr Robinson also informed the Panel that some progress had been made at a mediation meeting on 10 January 2023 between Resident A and the applicant which resulted in a list of further proposed conditions being agreed. These were appended as Appendix 8. Mr Robinson highlighted the conditions that couldn't be agreed:

- Resident A's requested for door staff at the premises on Friday, Saturday and New Years' Eve, door staff policy and door log.
- Resident A's requested for a noise limiter to be installed on the premises.
- Club's opening hours.

Mr Robinson then played the media files provided by Resident A.

As requested by Resident A, everyone at the hearing confirmed they could hear the audio files.

Colette Schofield then made the following submissions on behalf of the Applicant

- It was the first time she had seen the footage from 07/08/22 and 01/10/22.
- The Club were disappointed Resident A had remained anonymous as they were not unreasonable and felt that Resident A could have approached them if they were being too noisy.
- The Club refuted that his family had been placed in danger – they didn't know who he was or where he resides and didn't appreciate the insinuation that the club had been involved in criminal damage or harassment and felt these comments were potentially slanderous.
- They had not seen the evidence that had been reported to the police.
- One of the letters in support highlighted that Resident A had been approaching neighbours.

At this stage, Mr Robinson confirmed that letters in support did not specify that Resident A had been approaching neighbours. Ms Schofield retracted that statement.

Ms Schofield continued:

- Being called jobs and law breakers – she was a 47 year old mother of two and was a child safeguarding officer and first aid officer.

- Mr Harris was the chairman of the club, a father of two and played cricket at the club.
- Mr Pickles was a developmental scientist and volunteered as treasurer of the club.
- Everyone involved in the club was a volunteer.
- Refuted that she had tried to identify Resident A.
- As soon as the club were made aware of the licensing objectives they did everything they could to remain within those objectives.
- During a children's training session at the club, a riot van was sent to the club which she felt was over the top.
- She requested a mediation meeting and have been open to suggestions; the club have been compliant and tried to support everyone; they have applied for TENs which have been granted by the Council and questioned why they would have been granted if their behaviour was so abhorrent.
- Droylsden Cricket Club has been there for 77 years and this was the only complaint they had ever received.
- As far as they were aware, they followed the correct consultation period for the application.
- Ms Schofield explained the different teams that they had at the cricket club and that some players had gone on to be selected for county teams.
- The club take their roles very seriously – they had safeguarding officers, fully trained first aiders, bar management and ground staff and most individuals had to complete enhanced DBS checks.
- The cricket season runs from mid-April to mid-September and the club relied on bar takings to survive as they were not for profit.
- In relation to the video evidence dated 22/05/22 – she did not feel it was clear that the noise was coming from the club and disputed that the videos were taken inside a house.
- Images 0064 and 0068 – the club was subject to renovations at that time. On this night, the DJ couldn't gain access to the club and gained access through the fire exit. Unfortunately the DJ left the back door open and the club accepted full blame for this.
- In relation to the media files from 03/07/22 – a Clough Road resident was present at the club and they know they shut at 11:00pm that night. She was aware that the resident had a party at his house that evening and suggested this was where the noise was coming from.
- She had only just seen the footage from 07/08/20 and 01/10/22 but she did have TENs in place and didn't believe the videos were recorded from inside a house as it looked like it was taken from the backdoor although Resident A may correct her on this.
- The club doesn't attract a passing trade as it was members who frequent the club.
- The Complainant refers to an area at the front of the club being a magnet for sale of drugs and anti-social behaviour – Mrs Schofield stressed this had nothing to do with the club and they had agreed last permitted entry to the club at 11pm. They also didn't allow anyone on the cricket field.
- Resident A wants to compare Droylsden Cricket Club to Droylsden Catholic Club but they were completely different establishments; the Catholic Club had employed stewards who run the club and they have live concerts. The back of the houses to the Catholic Club were a lot closer to the houses on Clough Road to the Cricket Club and she did not feel the two clubs could be compared.
- Resident A was not complaining of any trouble and they had never had any violence.
- Mrs Schofield confirmed the conditions that the club agreed to during mediation.
- Since the complaint, the club had ensured noise wasn't too loud – they believed noise was subjective and they didn't believe a lot of noise could be heard from the club.
- In relation to the documents received the morning of the hearing, they had not had time to fully consider them but did consent to them being used.
- The club had never received a letter from Ian Lewis – the club didn't have a post box and a post man would not be able to gain entry to post the letter.
- The club had applied for the sale of alcohol until 2am on Friday, Saturday and Sunday to allow them to advertise a function room.
- The club had no complaints prior to this – there had been no objections from the Police, Council or a mental health worker to their application.

- The club fully accepted the incidents on 18 and 19 June 2022 and apologised for this.
- The club didn't attract a passing trade and it was simply members of the club.
- There were letters in support from neighbours of the club.
- They believed the cricket club was good for the community and were merely asking for a licence to keep the club functioning.

Ms Schofield then answered questions from the Regulatory Services Manager, Resident A and the Panel.

The following submissions were then made by Resident A:

- The videos were taken inside his house late at night with the windows shut – the club dispute this but that's the way it was.
- Two licences for Droylsden Catholic Club had been provided – they're based at the other end of Clough Road in a virtually identical situation.
- The Panel had reviewed those licences and if the hours which were requested are granted, Resident A would be treated significantly worse and have less protection than those at 228 Clough Road.
- Despite all rumours, Resident A had no trouble at all with the Cricket Club and acknowledged it had important community functions and did valuable community work.
- This was the first time they have heard about the petitions to close the club.
- They didn't want the club to be shut down they just wanted the shutters down at 11pm to let them sleep.
- Clough Road was a very quiet residential street and that's why they wanted to live there.
- Page 11 to Appendix 1, page 72 onwards gives an idea of the proximity of the club to certain houses on Clough Road – none of the residents in those houses were consulted meaningfully in relation to this application and only knew about this as they were tipped off by a phone call from someone at the Council – there was no advertisement on Clough Road.
- The current licence allowed music until 11pm – the club said they were not open all the time throughout the year – 11pm was reasonable and proportionate and caused no problems whatsoever.
- The only time they've had a problem with the club was when it had breached its licence.
- The club had a free trial of their extended hours and they've shown this to create considerable public nuisance – they now wanted to serve alcohol until 2am and open until 3am – this was not proportionate or reasonable for a quiet residential street – it might be proportionate for Market Street but this wasn't Market Street – this was in the middle of loads of houses.
- Resident A apologised for the ramblings in his representation at pages 65 to 72 of the report and confirmed this summed up most of his petition.
- The Panel had numerous indisputable videos of public nuisance and were required to consider the track record of the applicant – there were wilful deliberate and illegal breaches of their licence.
- During mediation the club declined to fit a noise limiting monitor and declined to reduce the hours applied for – conditions were agreed in mediation but no conditions would guarantee good behaviour.

The following submissions were then made by Resident A's wife:

- She was a 47 year old mum of two and was an NHS health worker caring for patients, family and the community – empathetic and non-judgemental.
- She supported the club and used to volunteer with old staff.
- She had a chronic illness which made her fatigued and her husband had a chronic illness.
- Both of their children were disabled as they were on the autistic spectrum.
- Their youngest son woke up at 6am so regardless of what time Mrs A went to bed, she had to get up at 6am with her son.
- The family were paying the price if the club stayed open late.

- Mrs A explained it would be difficult managing the demands of two autistic children with a demanding job and a chronic condition with 4 hours sleep.
- Mrs A queried what made it acceptable for the club to stay open in a quiet area until 3am.
- Mrs A explained her concerns about sleep deprivation, that she worked throughout the pandemic and her right to a peaceful life, the demanding jobs her and her husband had which entailed huge responsibility.
- Her patients required 100% attention for their care and she needed a huge amount of patience to manage her life.
- The proposed opening hours put her in a very difficult situation – probably impossible, risking her livelihood.
- There must be a way to keep everyone happy.

Resident A and Mrs A answered questions from the Regulatory Services Manager.

The Panel then heard brief closing submissions on behalf of the Applicant, Licensing Authority and Resident A.

Members of the Panel then retired to carefully consider the written submissions, representations and questions and answers during the hearing in addition to all the information provided. The Panel were accompanied by the Legal Representative and the Principal Democratic Services Officer who provided legal and procedural advice only and took no part in the decision making process.

## **DECISION/REASONS**

In determining this matter, the Panel had due regard to:

- the Report to Panel
- the application and representations received
- all oral and written evidence and submissions
- the Council's Statement of Licensing Policy
- the relevant sections of the Licensing Act 2003 and Regulations made thereunder
- the Guidance issued by the Secretary of State under section 182 of that Act.

The Panel determined the application pursuant to section 18(3) of the Act having regard to the relevant representations and the requirement to take such steps as it considered appropriate to promote the licensing objectives.

The key points identified by the Panel were as follows:

1. The premises application seeks to extend the opening hours:
  - a. Monday to Thursday 12:00 to 01:00
  - b. Friday 12:00 to 02:30
  - c. Saturday 09:00 to 03:00
  - d. Sunday 09:00 to 01:00
2. The premises application seeks to extend the current licensable activities:
  - a. Sale of alcohol
    - i. Monday to Thursday 12:00 to 00:00
    - ii. Friday to Saturday 12:00 to 02:00
    - iii. Sunday 12:00 to 00:30
  - b. Live music
    - i. Monday to Thursday 12:00 – 22:00
    - ii. Friday 17:00 to 22:30
    - iii. Saturday 12:00 to 22:30
    - iv. Sunday 12:00-22:00
  - c. Recorded music
    - i. Monday to Thursday 12:00-23:00
    - ii. Friday to Saturday 12:00-00:00
    - iii. Sunday 12:00-23:30



3. The premises application seeks to add the current licensable activities:
  - a. Entertainment similar to recorded music and live music
    - i. Monday to Thursday 12:00 to 23:00
    - ii. Friday to Saturday 12:00 to 00:00
    - iii. Sunday 12:00 to 23:30
  - b. Late night refreshments
    - i. Monday to Thursday 12:00 to 00:00
    - ii. Friday to Saturday 12:00 to 02:00
    - iii. Sunday 12:00 to 00:00
4. A representation had been received from Resident A, who resides on Clough Road relating to noise which he believes emanates from Droylsden Cricket Club.
5. Resident A provided audio files recorded on various dates in 2022.
6. Complaints of noise nuisance were made to the Council in July 2022 by Resident A and no further action was taken by the Council.
7. No representations have been received by Environmental Health, Trading Standards or Greater Manchester Police.
8. No further reports of the licensing objectives being undermined have been received by the licensing authority or the Police.
9. Some conditions have been agreed between the licensing authority, the applicants and Resident A which are appended to the report as **Appendix 8**.
10. The openings hours have not been agreed nor conditions relating to door staff or to a noise limiter being installed at the premises.
11. The Panel considered the concerns raised by Mr and Mrs Resident A.

The Panel considered all available options.

On balance, having carefully considered all of the available information, the Panel concluded that the premises licence should be granted subject to the imposition of conditions agreed prior to today's hearing and further conditions are to be imposed.

### **STEPS TAKEN PURSUANT TO S18(4) LICENSING ACT 2003**

The step that the Panel considered appropriate to promote the licensing objectives was to grant the premises licence subject to conditions agreed prior to today's hearing together with a further conditions relating to the supply of alcohol and opening hours as follows:

#### ***Supply of alcohol***

*Friday 12:00 to 01:00*

*Saturday – 12:00 to 01:00*

*Sunday – 12:00 to 12:30*

#### ***Opening hours***

*Friday 12:00 to 02:00*

*Saturday – 09:00 to 02:00*

*Sunday – 09:00 to 00:30*

#### Notes

Under the Deregulation Act 2015 there are some circumstances where live music etc can take place without a licence.

Licensable activities outside of this and/or beyond the permitted hours will require a temporary event notice

Outside of the conditions imposed the Panel expects that the licence holder will set up informal arrangements to enable residents to raise issues of concerns with the licence holder.

The Panel would like to thank those attending the hearing for their contribution and assisting the Panel in reaching its decision.

**RESOLVED**

That the premises licence be granted subject to conditions agreed prior to today's hearing together with further conditions relating to the supply of alcohol and opening hours as follows:

***Supply of alcohol***

*Friday 12:00 to 01:00*

*Saturday – 12:00 to 01:00*

*Sunday – 12:00 to 12:30*

***Opening hours***



*Friday 12:00 to 02:00*

*Saturday – 09:00 to 02:00*

*Sunday – 09:00 to 00:30*

**CHAIR**

# Agenda Item 4

<b>Report to:</b>	<b>SPEAKERS PANEL (LIQUOR LICENSING)</b>
<b>Date:</b>	4 April 2023
<b>Reporting Officer:</b>	Emma Varnam – Assistant Director, Operations & Neighbourhoods
<b>Subject:</b>	<b>APPLICATION FOR A REVIEW OF A PREMISES LICENCE – PL0197 – MARIA AND PHILLIP, 7 STOCKPORT ROAD, HYDE, SK14 1RH</b>
<b>Report Summary:</b>	Members are requested to determine the application
<b>Recommendations:</b>	<p>Having regard to the application and the relevant representations, Members are invited to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are:</p> <ul style="list-style-type: none"><li>a) Modify the conditions of the licence</li><li>b) Exclude a licensable activity from the scope of the licence</li><li>c) Remove the designated premises supervisor</li><li>d) Suspend the licence for a period not exceeding 3 months</li><li>e) Revoke the licence</li></ul>
<b>Corporate Plan:</b>	Living Well – Improve satisfaction with local community
<b>Policy Implications:</b>	Members are provided with policy guidelines to assist in the decision making process.
<b>Financial Implications:</b> <b>(Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	There are limited financial implications for the Council, as detailed in the report, however, any legal challenge to a policy decision may potentially incur costs.
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	Any decision to revoke/suspend a licence or impose amendments or conditions to a licence can be challenged by way of appeal (in the first instance) to the local Magistrates Court.
<b>Risk Management:</b>	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.
<b>Access to Information:</b>	The author of the report is Mike Robinson, Regulatory Services Manager (Licensing)
<b>Background Information:</b>	The background papers relating to this report can be inspected by contacting Mike Robinson
	 Telephone: 0161 342 4122
	 e-mail: <a href="mailto:mike.robinson@tameside.gov.uk">mike.robinson@tameside.gov.uk</a>

## 1. INTRODUCTION

- 1.1 Section 51(1) of the Licensing Act 2003 outlines the procedure whereby a responsible authority may apply to the Licensing Authority for a review of a premises licence.
- 1.2 Section 52(3) of the Licensing Act 2003 states that the Authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- 1.3 The steps mentioned in subsection (4) are:
  - (a) to modify the conditions of the licence;
  - (b) to exclude a licensable activity from the scope of the licence;
  - (c) to remove the designated premises supervisor;
  - (d) to suspend the licence for a period not exceeding 3 months;
  - (e) to revoke the licence.

## 2. REPORT

- 2.1 Maria and Phillip, 7 Stockport Road, Hyde, SK14 1RH has been a licensed premises since 24 November 2005. Ms Erika Demeterova has been the Premises Licence Holder since 14 April 2020. A copy of the premises licence is attached at **Appendix 1**.
- 2.2 Thomas Joy was the Premises Licence Holder at Maria and Phillip from 6 January 2015 to 13 April 2020. Mr Joy was the Designated Premises Supervisor from 10 February 2015 to 15 February 2023. Mr Joy is the owner of property; 7 Stockport Road, Hyde.
- 2.3 A site plan, including an up to date photograph of the premises is attached at **Appendix 2**.
- 2.4 On 14 February 2023, the Licensing Authority received a review application for Maria and Phillip, 7 Stockport Road, Hyde from Trading Standards Officer, Nicola Briers. This application is attached at **Appendix 3**.
- 2.5 The background pertaining to this review application is set out below.
- 2.6 On 28 June 2021, Tameside Trading Standards received a complaint stating that the premises was selling illicit tobacco, selling tobacco to children and selling single cigarettes.
- 2.7 On 8 July 2021, a visit was conducted to the premises by Ms Briers, Trading Standards Officer where six pouches of foreign labelled Amber Leaf hand rolling tobacco found in the back store room were seized.
- 2.8 On 13 July 2021, Rebecca Birch, Licensing Officer conducted a visit to the premises and spoke with Andrew Bridge, store assistant. Mr Bridge informed Ms Birch that he did not know of a Mr Thomas Joy, Designated Premises Supervisor. He was advised to stop the sale of alcohol during the visit. Mr Bridge informed the officer that 'Shaun' was Zishan Shaikh, the owner of the business and the husband of Ms Erika Demeterova.
- 2.9 Ms Birch attended the premises on 16 July 2021 to meet with the Ms Erika Demeterova, Mr Thomas Joy and Mr Zishan Shaikh to confirm that Mr Joy is the Designated Premises Supervisor. Ms Birch proposed that a minor variation be to add conditions to the Premises Licence to ensure the promotion of the licensing objectives.

- 2.10 A test purchase operation was carried out on 14 February 2022 at Maria and Phillips where one packet of illicit Richmond Superking was purchased. The test purchaser observed that the cigarettes were obtained from a jacket hanging up in the back stock room.
- 2.11 On 17 February 2022, Trading Standards visited the premises with Officers from Greater Manchester Police. During this visit, one packet of Amber Leaf hand rolling tobacco was found in the pocket of a jacket hung behind the counter.
- 2.12 On 27 June 2022, Ms Briers contacted the Premises Licence Holder and Designated Premises Supervisor detailing the issues found at the premises and requesting they attend a meeting on 7 July 2022 at the Council Offices with the view to discuss amendments to the conditions on the Premises Licence.
- 2.13 Mr Joy rearranged this meeting on three occasions over two months due to the Premises Licence Holder being out of the country. The final meeting was arranged for 30 August 2022; Ms Briers advised Mr Joy that this meeting would not be rearranged again.
- 2.14 On 30 August 2022, Mr Joy attended the meeting with Nicola Briers, Trading Standards Officer and Rebecca Birch, Licensing Officer. The Premises Licence Holder was unable to attend due to being out of the country. During this meeting, Mr Thomas Joy indicated that he no longer wanted to be the DPS for the premises and that Zishan Shaikh (Shaun) was looking to become the DPS of the premises.
- 2.15 On 4 September 2022 a test purchase exercise was carried out and a packet of illicit Richmond Superking size were purchased.
- 2.16 On 13 September 2022, Mr Zishan Shaikh submitted a Personal Alcohol Licence application to the Licensing Authority. This application was granted.
- 2.17 A visit was conducted on the 13 October 2022 with officers from Trading Standards, Greater Manchester Police, Licensing and a tobacco detection dog. An entry warrant was executed for the flat above Maria and Phillip. The following products were seized from the premises:
- Products found and seized within the flat above Maria and Phillip:
- 8x packets of Richmond Super King
  - 19 packets of Marlboro
  - 10x packets of Gold Leaf
  - 37x packets of illicit tobacco were found and seized.
- Products found and seized from the shop:
- 1x opened packet of Benson and Hedges
  - 66x Elux 3550
- 2.18 On 14 February 2023, following submission of the review application, Ms Briers contacted Mr Joy to inform him of the application. Mr Joy stated that as far as he was aware he was no longer the DPS of the premises.
- 2.19 A visit was conducted to the premises on 14 February 2023 by Ms Briers and Ms Birch to meet with Mr Joy. During this visit, Mr Joy stated that he presumed Mr Shaikh was the DPS but he would remain the DPS due to his current involvement in the premises.
- 2.20 On 15 February 2023, the Licensing Authority received an application to vary the Designated Premises Supervisor from Erika Demeterova to specify Mr Zishan Shaikh as the Designated Premises Supervisor of Maria and Phillip.

### **3. REPRESENTATIONS & EVIDENCE SUBMITTED**

#### **Trading Standards**

- 3.1 A statement has been received by Nicola Briers on behalf of Trading Standards. This is attached at **Appendix 4**.

#### **Greater Manchester Police**

- 3.2 A statement has been received from Police Licensing Officer, Craig Foley on behalf of Greater Manchester Police, a statement is attached at **Appendix 5**.

#### **Licensing Authority**

- 3.3 A statement has been received from Rebecca Birch on behalf of the Licensing Department. This is attached at **Appendix 6**.

### **4. HOME OFFICE GUIDANCE**

- 4.1 In determining this review, the Panel must have due regard to the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy 2016-2021 published pursuant to s5 of the Licensing Act 2003.
- 4.2 The current guidance issued by the Home Office under section 182 of the Licensing Act 2003 deals with the Powers of a Licensing Authority on the determination of a review, with particular attention being drawn to sections 12.22, 12.23 and 12.24, where a Licensing Authority considers action under its statutory powers:

12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer asks to withdraw his application or representations. At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken (if any).

12.23 In making its final determination the steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

### **5. CONCLUSION AND OPTIONS FOR THE PANEL**

- 5.1 The Panel is requested to consider the content of this report and appendices and any oral evidence/submissions put forward at the hearing and to determine this review and to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are set out at the front of the report.

# Premises Licence

## Licensing Act 2003

PL0197

## THIS LICENCE IS ISSUED BY



Tameside MBC  
Licensing Department  
Tame Street Depot  
Tame Street  
Stalybridge  
Tameside  
SK15 1ST  
web: [www.tameside.gov.uk](http://www.tameside.gov.uk)  
Tel: 0161 342 4262

## Part 1 – Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**PREMISES**      **Maria And Phillip**      **TELEPHONE: 07448321267**

**ADDRESS**      7 Stockport Road, Hyde, Tameside, SK14 1RH

## WHERE THE LICENCE IS TIME LIMITED THE DATES:

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

**J**      - Sale by retail of alcohol;

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity (and Area if applicable)	Description	Times
<b>J - Sale by retail of alcohol</b>	Sunday	10:00 - 22:30
	Monday - Saturday	08:00 - 23:00
	Christmas Day	12:00 - 15:00
	Christmas Day	19:00 - 10:30
	Good Friday	08:00 - 22:30

## THE OPENING HOURS OF THE PREMISES:

Description	Times

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

Alcohol is supplied for consumption **OFF** the Premises

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

Ms Erika Demeterova

Tel: [REDACTED]

Email:

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

Business Reg No:

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

Mr Zishan Ali Shaikh

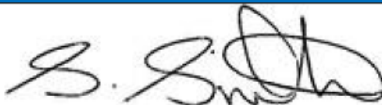
Tel:

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

Licence Number: [REDACTED]

Licensing Authority Issued by: **Tameside**

**SIGNED ON BEHALF OF THE ISSUING LICENCE AUTHORITY**



Sharon Smith

**Head of Public Protection - Operations & Neighbourhoods**

Date on which this licence takes effect: 14 April 2020



### ANNEXES

#### Annex 1 – Mandatory conditions

All supplies of alcohol

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

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

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

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

Age verification policy

1. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises 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.

Minimum Cost of Alcohol

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.

For the purposes of the condition

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.

Where the permitted price given by the calculation is not a whole number of pennies, the price given by that calculation shall be taken to be the price rounded up to the nearest penny.

### **Annex 2 – Conditions consistent with the Operating Schedule**

**a) General – all four licensing objectives (b, c, d, e):**

None provided with the application

**b) The prevention of crime and disorder:**

None provided with the application

**c) Public safety**

None provided with the application

**d) The prevention of public nuisance:**

None provided with the application

**e) The protection of children from harm;**

None provided with the application

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

Not Applicable

### **Annex 4 – Authorised Plans**

As attached

# Premises Licence Summary

Licensing Act 2003

PL0197

THIS LICENCE IS ISSUED BY



Tameside MBC  
Licensing Department  
Tame Street Depot  
Tame Street  
Stalybridge  
Tameside  
SK15 1ST  
web: [www.tameside.gov.uk](http://www.tameside.gov.uk)  
Tel: 0161 342 4262

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**PREMISES**      **Maria And Phillip**      **TELEPHONE: 07448321267**

**ADDRESS**      7 Stockport Road, Hyde, Tameside, SK14 1RH

WHERE THE LICENCE IS TIME LIMITED THE DATES:

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

**J**      - Sale by retail of alcohol;

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity (and Area if applicable)	Description	Times
<b>J - Sale by retail of alcohol</b>	Sunday	10:00 - 22:30
	Monday - Saturday	08:00 - 23:00
	Christmas Day	12:00 - 15:00
	Christmas Day	19:00 - 10:30
	Good Friday	08:00 - 22:30

THE OPENING HOURS OF THE PREMISES:

Description	Times
-------------	-------

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

Alcohol is supplied for consumption **OFF** the Premises

# Premises Licence Summary

Licensing Act 2003

PL0197

## THIS LICENCE IS ISSUED BY



Tameside MBC  
Licensing Department  
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SK15 1ST  
web: [www.tameside.gov.uk](http://www.tameside.gov.uk)  
Tel: 0161 342 4262

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

Ms Erika Demeterova

Tel: [REDACTED]

Email: [REDACTED]

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

Business Reg No:

## Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Zishan Ali Shaikh

Tel:

## State whether access to the premises by children is restricted or prohibited:

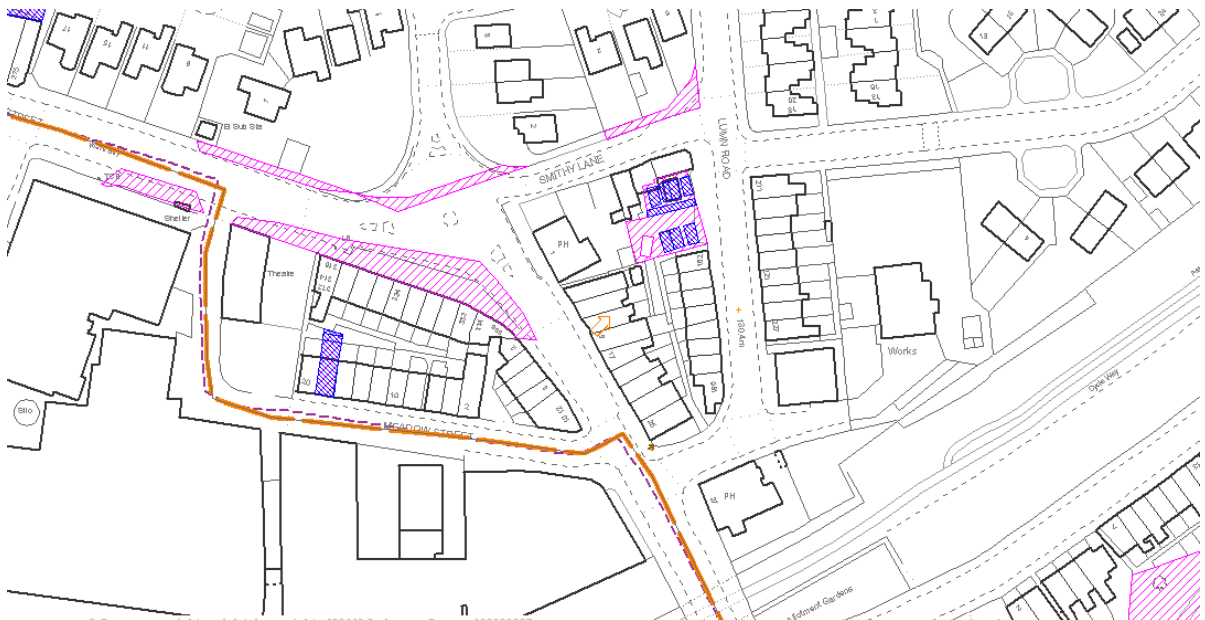
Access to the premises by children is prohibited

## SIGNED ON BEHALF OF THE ISSUING LICENCE AUTHORITY

 Sharon Smith

**Head of Public Protection - Operations & Neighbourhoods**

Date on which this licence takes effect: 14 April 2020



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*[Insert name and address of relevant licensing authority and its reference number (optional)]*

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

**I Nicola Briers**

*(Insert name of applicant)*

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

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Maria and Phillips 7 Stockport Road Hyde Tameside	
<b>Post town</b> Hyde	<b>Post code (if known)</b> SK14 1RH
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Erica Demetorova	
<b>Number of premises licence or club premises certificate (if known)</b> PL0197	

**Part 2 - Applicant details**

I am

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**

Nicola Briers Trading Standards Officer Tame Street Depot Tame Street Stalybridge SK15 1ST
Telephone number (if any) <b>0161 342 3670</b>
E-mail address (optional) nicola.briers@tameside.gov.uk

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

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

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

-The Prevention of Crime and Disorder

-Public Safety

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

Tameside MBC Trading Standards Department, in its capacity as a responsible authority, wish to apply for the review of a premises licence under S.51 of the Licensing Act 2003 for Maria and Phillips, 7 Stockport Road, Hyde, SK14 1RH.

Since June 2021 there has been a pattern of behaviour involving this premises in relation to the possession and supply of illicit tobacco that is not legally permitted to be sold in the UK. I have detailed below the sequence of reports received and actions taken by this department in relation to this issue.

1. On 28<sup>th</sup> June 2021 the department received a complaint from a member of the public via the Citizens Advice Consumer Service that the shop was selling single cigarettes to underage children and 'dodgy' cigarettes
2. Following receipt of this complaint I carried out an unannounced inspection of the premises with a colleague Tim Watson on 8<sup>th</sup> July 2021. During the visit I spoke with shop worker Andrew Bridge. Six pouches of Amber Leaf hand rolling tobacco found in the back store room was seized on examination of these tobacco they were found not to have the required warning statements in English or be packaged in the required standardised packaging (see the summary below of the legislative requirements for tobacco products).
3. Other issues were also identified during the visit these were as follows:
  - No tobacco notice on display contrary to Children and Young Persons (Protection from Tobacco) Act 1991
  - No refusals book was in place – whilst this is not a condition on the premises licence, maintenance of a refusal log will help demonstrate that the premises is actively refusing sales and they have an effective system in place. A refusal book was provided to Andrew Bridge at the time of the visit.
  - Many items in the shop were not priced contrary to The Price marking Order 2004. I advised that all items must be priced either individually on the shelf edge or via a price list.
4. On the 13<sup>th</sup> July 2021 a warning letter was sent to Erica Demetorova the licence holder for the premises advising her of the offences of the sale of illicit/counterfeit tobacco and requesting that she sign and return an enclosed form authorising Tameside MBC to retain the items for disposal. I received the completed form on 24<sup>th</sup> August 2021. It was decided to take no further enforcement action on this occasion.
5. On 9<sup>th</sup> November 2021 I received an email from the Designated District Licensing Officer for Greater Manchester Police stating that the premises was selling high strength vapes to school children.
6. In December 2021 Tameside Trading Standards sent a letter to over 200 retailers where e-cigarettes were likely to be sold to advise them of the law relating to the sale of e-cigarettes in particular the requirement of the tank size of disposable e-cigarettes and their obligations regarding underage sales. I can confirm that this letter was sent to Maria and Phillips, 7 Stockport Road, Hyde.
7. A decision was taken to add the premises to a list of premises to be visited as part of a test purchase operation carried out in conjunction with a test purchaser

working on behalf of the Red Snapper Group. On 14<sup>th</sup> February 2022 the test purchaser made a successful purchase of Richmond Superking cigarettes for £5.00. On examination of this product it was found not to be packaged in the required standardised packaging (see the summary below of the legislative requirements for tobacco products).

8. On 17<sup>th</sup> February 2022 Tameside MBC visited the premises with officers from Greater Manchester Police as part of 'Operation Avro'. One packet of Amber leaf hand rolling tobacco was found in the pocket of a jacket hung behind the counter. The tobacco did not have the required standardised packaging. This test purchase and seizure highlights that the business has not headed the warning given in the letter sent to them on the 13<sup>th</sup> July 2021.
9. On 27<sup>th</sup> June 2022 I sent a letter to the licence holder (Ms Erica Demetorova) and the Designated Premises Supervisor (Thomas Joy) detailing the issues found at the premises and my concerns that they were not promoting the four licensing objectives. I requested that the licence holder and DPS attend a meeting on the 7<sup>th</sup> July 2022 at the Council Offices to discuss an amendment to the premises licence conditions. This meeting had to be rearranged on two occasions due to the licence holder not being in the Country. On the 30<sup>th</sup> August 2022 Mr Joy attended the council offices for the meeting with Regulatory Compliance Officer Rebecca Birch and myself in attendance. The licence holder (Ms Erica Demetorova) did not attend and therefore we were unable to amend the licence conditions for the premise. Mr Joy indicated that he no longer wanted to be the DPS for the premises and that 'Shaun' was looking to become the DPS. We advised Mr Joy that he must be involved in the day to day running of the business. If he did not have control of the business alcohol should not be sold until the DPS is transferred to 'shaun'. During this meeting Mr Joy was given a warning letter advising him of the offences of the sale of illicit/counterfeit tobacco and he signed the attached form authorising Tameside MBC to retain the packet of hand rolling tobacco seized on 17<sup>th</sup> February 2022 for disposal.
10. On 4<sup>th</sup> September 2022 a further test purchasing exercise was carried out and a packet of Richmond Superking cigarettes were purchased for £5. The cigarettes were retrieved from under the counter and money paid for the cigarettes placed in the till. On examination the cigarettes were found not to be in the required standardised packaging.
11. On 5<sup>th</sup> September 2022 I received a phone call from Zishan Ali Shaikh 'shaun' to inform me that he has completed the training to become a personal licence holder. He advised that the course provider would send his application to Tameside to become a personal licence holder.
12. A warrant to enter the flat above Maria and Philips was obtained from the magistrates' court on 20<sup>th</sup> September 2022. A visit was carried out on the 13<sup>th</sup> October 2022 with officers from Trading Standards, Greater Manchester Police and a tobacco detection dog. During the visit the entry warrant was executed for the flat and 37 packets of illicit tobacco were found and seized. These were of various brands, 8 packets of Richmond Super King, 19 packets of Marlboro, 10 packets of Gold Leaf. The cigarettes were not in the required standardised packaging and some did not have the required warning statements in English.
13. During the visit 66 x 'Elux 3500' disposable e-cigarettes were also seized. These products did not meet the requirements of the Tobacco and Related Products Regulations 2016 in relation to their tank size and they had not been published on

the register of compliant products by the Medicines and Healthcare products Regulatory Agency (MHRA), which is also a requirement of the regulations. Under the regulations no person may supply any products that do not meet these requirements and it is an offence to do so, therefore it is the responsibility of retailers supplying e-cigarettes and e-liquids to make the necessary checks before offering them for sale. As detailed above Tameside Trading Standards wrote to all known businesses in the borough supplying or likely to be supplying these products, advising on the legal requirements for supply and to advise that it was an offence to supply products in breach of the regulations. The seizure of these e-cigarettes highlights that the business had not followed the advice in this letter.

14. All items seized have been handled in accordance with Tameside MBC's evidence handling procedures and were bagged and tagged at the time of seizures and subsequently logged and stored in the authority's locked evidence store (Room 61) at Tame Street Depot, Tame Street, Stalybridge, SK15 1ST, where they remain. Receipts for the seizures were also provided to the business.

This application to review the licence of the premises in question relates to the licensing objective 'the prevention of crime and disorder'. The supply or possession for supply of the type of tobacco seized from this premises constitutes a criminal offence. The relevant legislative provisions are as follows:

#### **The Tobacco and Related Products Regulations 2016**

Part 2 ('Labelling of tobacco products') of the regulations requires that tobacco products contain warning statements in **English** and no person may 'supply' a product unless it contains these warnings.

In accordance with regulations 2 and 3(2) the definition of 'supply' includes cases where a person (in the course of a business) "possesses it for supply" (for consumption in the United Kingdom).

Breach of Part 2 of the regulations represents a criminal offence with the maximum penalty on indictment being a fine and 2 years imprisonment.

#### **The Standardised Packaging of Tobacco Products Regulations 2015**

These regulations include the requirement that the only permitted colour for the external packaging of packs of cigarettes and hand rolling tobacco is 'Pantone 448C' (drab dark brown) with a matt finish. No person may 'supply' any products that do not meet this requirement and the definition of 'supply' in these regulations also includes possession for supply. The supply of tobacco products not meeting this requirement represents a criminal offence with the maximum penalty on indictment being a fine and 2 years imprisonment.

The above legislative requirements have been designed to reduce the appeal of tobacco products (particularly to young people) and to ensure that required health warnings are as prominent as possible. The seizures made from this premises, combined with the ongoing intelligence received by Tameside MBC Trading Standards highlights a disregard by the business of their legal responsibilities and a pattern of behaviour that suggests a desire to profit from the supply of illicit tobacco. The evidence highlighting the cheap prices charged for these products also suggests that their aim is to promote the supply of tobacco to customers for which genuine (fully taxed) products may be unaffordable, which may include children under 18.

Again, this suggests a willingness to breach legal provisions for commercial gain.

Tameside MBC Trading Standards submits this application to review the premises licence of this business on the basis that it is failing to comply with the licensing objective of the prevention of crime and disorder due to their continued possession and supply of illicit tobacco.

In support of this application I refer to Chapter 11 of the Home Office document '*Revised Guidance issued under section 182 of the Licensing Act 2003*' (April 2018), which contains a section titled '*Reviews arising in connection with crime*'. Paragraph 11.27 (pages 93-94) lists types of criminal activity that should be treated seriously in relation to licensed premises and one of these is the use of the premises *for the sale or storage of smuggled tobacco and alcohol*. Some of the tobacco seized from this premises has foreign labelling and is therefore clearly not intended for the UK market. The cigarettes test purchased from the premises cost £5 each. The cost of a legal packet of cigarettes in the UK is currently around £10. The duty on a packet of cigarettes is at least £5.26. It is therefore reasonable to suspect that it has been illegally smuggled into the country without the full UK Excise Duty being paid. As outlined in this application, in supplying and possessing for supply these products, the premises are also committing criminal offences under the **Tobacco and Related Products Regulations 2016** and the **Standardised Packaging of Tobacco Products Regulations 2015**.

Also of relevance to this application is Paragraph 11.28 of the Home Office guidance, which states;

*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.***

Tameside MBC also believes that the possession and evidence of supply of this illicit tobacco poses a risk to the safety of consumers purchasing the products. Therefore, this application is also submitted in relation to the licensing objective 'Public Safety', on the following grounds:

-Some of the products seized/purchased did not contain the required health warnings in English or in compliance with the Tobacco and Related Products Regulations 2016. This, in addition to the cheaper prices charged, could lead to the promotion of the tobacco to users, including children, who may otherwise choose not to purchase and smoke it.

-The illicit nature of the tobacco products seized/purchased means that the source of supply to the business is unable to be verified and therefore it is reasonable to suspect that the products may have been manufactured specifically for the illegal market. Therefore, it is unknown whether the products have been manufactured using safe manufacturing processes and whether they contain any hazardous ingredients.

There have also been illicit products found previously by other Trading Standards authorities that have been found to be unsafe under the General Product Safety Regulations 2005, due to not complying with a mandatory safety standard (EN

16156) for cigarettes that requires them to be self-extinguishing if left unattended or not inhaled from after a set period of time. This standard came into force in November 2011 as a result of a high number of house fires being attributed to smoking. As above, the unknown supply chain for the products in question means that their compliance with this standard is unknown and they may therefore present a fire hazard.

Finally, the seizure of e-cigarettes on 17<sup>th</sup> February 2022 is also relevant to the 'Public Safety' licensing objective. The brand/model of e-cigarettes seized have not been approved for supply by the Medicines and Healthcare products Regulatory Agency and therefore their compliance with the product safety requirements in the Tobacco and Related Products Regulations 2016 have not been verified. Where a retailer fails to establish the legal compliance of e-cigarettes they are supplying there is the potential that they are exposing their customers to unsafe products. The seizure in question highlights a failure of this business to carry out this check, despite being previously advised by this department (by letter) of the requirement to do so.

**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
<input type="text"/>	<input type="text"/>	<input type="text"/>

**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 *N. Briers*  
.....

Date 14.2.23  
.....

Capacity **Applicant**  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) Nicola Briers Trading Standards Officer Tame Street Depot Tame Street Stalybridge SK15 1ST	
<b>Post town</b> Stalybridge	<b>Post Code</b> SK15 1ST
<b>Telephone number (if any)</b> 0161 342 3670	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> nicola.briers@tameside.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.

**TAMESIDE METROPOLITAN BOROUGH COUNCIL**

**STATEMENT OF WITNESS**

(Criminal Procedure Rules, r 27.1(1);  
Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

STATEMENT OF: Nicola Briers

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

Occupation of Witness: Trading Standards Officer

I am the above person. I am employed by Tameside Metropolitan Borough Council as a Trading Standards Officer within the Public Protection Division, based at the Tame Street Depot, Tame Street, Stalybridge, Tameside, SK15 1ST.

I have been employed by Tameside MBC as a Trading Standards Officer since December 2002. One of my duties within this role is to enforce the law relating to consumer protection legislation. I am an Authorised Officer for the purposes of the Tobacco and Related Products Regulations 2016 and The Standardised Packaging of Tobacco Regulations 2015.

Tameside MBC Trading Standards Department in its capacity as a responsible authority wish to submit this statement to support the review of a premises licence under S51 of the Licensing Act 2003 for Maria and Phillips, 7 Stockport Road, Hyde, SK14 1RH. Tameside Trading Standards submit that this premises is not promoting the following licensing objectives:

- **Product Safety** – this premises has been involved in the sale / supply of illicit tobacco and non-complaint e-cigarettes. The e-cigarettes have not been approved for supply by the Medicines and Healthcare products Regulatory Agency and therefore their compliance with the product safety requirements in the Tobacco and

**This statement, consisting of 11 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 for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.**

**Dated the 22<sup>nd</sup> November 2022**

**Signed** *N. Briers*

**Continuation of witness statement of:**

**Page 2 of 11**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

Related Products Regulations 2016 have not been verified. Some of the illicit tobacco seized does not contain the required health warnings in English.

- **The Protection of Children from Harm** – The labelling requirements in the Tobacco and Related Product Regulations 2016 and the Standardised Packaging of Tobacco Regulations 2015 have been designed to reduce the appeal of tobacco products (particularly to young people) and to ensure the health warnings are prominent as possible. The illicit tobacco seized / test purchased from this premises did not comply with these regulations. The cheaper price charged for the illicit tobacco make them more affordable and therefore more appealing / available to children.
- **The Prevention of Crime and Disorder** - the sale of non-complaint e-cigarettes is an offence under the Tobacco and Related Product Regulations 2016. The sale / supply of illicit tobacco is an offence under the Tobacco and Related Product Regulations and the Standardised Packaging of Tobacco Products Regulations 2015.

On 28<sup>th</sup> June 2021 Tameside Trading Standards received a complaint stating that the premise was selling illicit tobacco, selling tobacco to children and also selling single cigarettes. I exhibit the complaint as **MP/NB01**

As a result of the complaint I visited the premises on the 8<sup>th</sup> July 2021 with my colleague Tim Watson. During the visit I spoke with shop worker Andrew Bridge. Six pouches of foreign labelled Amber Leaf hand rolling tobacco found in the back store room was seized. I exhibit a photo of the tobacco seized as **MP/NB02**. The supply of foreign labelled tobacco is an

**This statement, consisting of 11 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 for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.**

**Dated the 22<sup>nd</sup> November 2022**

**Signed** *N. Buis*

**Continuation of witness statement of:**

**Page 3 of 11**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

offence under the Tobacco and Related Product Regulations 2016 as they do not contain the required warning statements in English. They also breach the Standardised Packaging of Tobacco Products Regulations 2015 as they are not packaged in the permitted colour of Pantone 448C (drab dark brown). An example of standardised packaging can be seen in exhibit **MP/NB03**.

Other issues found during the visit were as follows:

- No tobacco notice on display contrary to Children and Young Persons (Protection from Tobacco) Act 1991
- No refusals book was in place – whilst this is not a condition on the premises licence, maintenance of a refusal log will help demonstrate that the premises is actively refusing sales and they have an effective system in place. A refusal book was provided to Andrew Bridge at the time of the visit.
- Many items in the shop were not priced contrary to The Price marking Order 2004. I advised that all items must be priced either individually on the shelf edge or via a price list.

I exhibit a copy of the visit record as **MP/NB04**.

On the 13<sup>th</sup> July 2021 a warning letter regarding the sale / supply of foreign labelled tobacco and signing over form was sent to the licence holder (Ms Erica Demetorova). I exhibit a copy of the letter and form as **MP/NB05**. On 24<sup>th</sup> August 2021 I received the completed signing over form which I exhibit as **MP/NB06**.

**This statement, consisting of 11 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 for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.**

**Dated the 22<sup>nd</sup> November 2022**

**Signed** *N. Buis*

**Continuation of witness statement of:**

**Page 4 of 11**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

On 9<sup>th</sup> November 2021 I received an email from the Designated District Licensing Officer for Greater Manchester Police stating that the premises was selling high strength vapes to school children. I exhibit the email as **MP/NB07**.

In December 2021 Tameside Trading Standards sent a letter to over 200 retailers where e-cigarettes were likely to be sold to advise them of the law relating to the sale of e-cigarettes in particular the requirement of the tank size of disposable e-cigarettes and their obligations regarding underage sales. I can confirm that this letter was sent to Maria and Phillips, 7 Stockport Road, Hyde. I exhibit a copy of this letter as **MP/NB08**.

On the 14<sup>th</sup> February 2022 a test purchase operation was carried out in conjunction with a test purchaser working on behalf of the Red Snapper Group. The test purchaser visited Maria and Phillips and purchased a packet of Richmond Superking for £5. The test purchaser observed that cigarettes were obtained from a jacket hanging up in back stock room. I exhibit a copy of the test purchase sheet as **MP/NB09** and a photo of the cigarettes purchased as **MP/NB10**. On examination of the cigarettes they were found not to be packaged in the required packaging contrary to the Standardised Packaging of Tobacco Products Regulations 2015.

On 17<sup>th</sup> February 2022 Trading Standards visited the premises with officers from Greater Manchester Police. One packet of Amber leaf hand rolling tobacco was found in the pocket of a jacket hung behind the counter. I exhibit a copy of the visit record and seizure record

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**Dated the 22<sup>nd</sup> November 2022**

**Signed** *N. Buis*

**Continuation of witness statement of:**

**Page 5 of 11**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

from the visit as **MP/NB11 and MP/NB12** and a photo of the tobacco seized as **MP/NB13**.

This again was foreign labelled and cannot legally be supplied in the UK.

This test purchase and seizure highlights that the business has not headed the warning given in the letter sent to them on the 13<sup>th</sup> July 2021.

On 27<sup>th</sup> June 2022 I sent a letter to the licence holder (Ms Erica Demetorova) and the Designated Premises Supervisor (Thomas Joy) detailing the issues found at the premises and my concerns that they were not promoting the four licensing objectives. I requested that the licence holder and DPS attend a meeting on the 7<sup>th</sup> July 2022 at the Council Offices to discuss an amendment to the premises licence conditions. I exhibit this letter as **MP/NB14**

On 5<sup>th</sup> July 2022 I received a phone call from Mr Joy stating that the licence holder could not attend the meeting as she was out of the country. I asked Mr Joy when the licence holder would be able to attend a meeting and a further meeting was arranged for 27<sup>th</sup> July 2022.

On 26<sup>th</sup> July 2022 I received a phone call from Mr Joy to inform me that the licence holder was still out of the country and could not attend the meeting the following day. I sent a letter to Mr Joy on the same day with a new appointment of 23<sup>rd</sup> August 2022. I exhibit this letter as **MP/NB15**. On the 11<sup>th</sup> August 2022 I received a phone call from Mr Joy stating that again the licence holder was unable to attend the meeting on 23<sup>rd</sup> August 2022. A new appointment was made for the 30<sup>th</sup> August 2022 however I explained to Mr Joy that this appointment had now been cancelled twice and this would not be re arranged again.

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**Dated the 22<sup>nd</sup> November 2022**

**Signed** *N. Buis*

**Continuation of witness statement of:**

**Page 6 of 11**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

On the 30<sup>th</sup> August 2022 Mr Joy attended the council offices for the meeting with Regulatory Compliance Officer Rebecca Birch and myself in attendance. The licence holder (Ms Erica Demetorova) did not attend and therefore we were unable to amend the licence conditions for the premise. Mr Joy indicated that he no longer wanted to be the DPS for the premises and that 'Shaun' was looking to become the DPS. We advised Mr Joy that he must be involved in the day to day running of the business. If he did not have control of the business alcohol should not be sold until the DPS is transferred to 'shaun'. I exhibit a copy of the record from this meeting as **MP/NB16**. During this meeting Mr Joy was given a warning letter for the packet of hand rolling tobacco seized on 17<sup>th</sup> February 2022 and he signed this over to the department. I exhibit a copy of the warning letter as **MP/NB17** and a copy of the signing over form signed by Mr Joy as **MP/NB18**.

On 4<sup>th</sup> September 2022 a further test purchasing exercise was carried out and a packet of Richmond Superking size was purchased for £5. The cigarettes were retrieved from under the counter and money paid for the cigarettes placed in the till. I exhibit a copy of the statement for the test purchase as **MP/NB19** and a photo of the cigarettes purchased as **MP/NB20**. Again on examination of the cigarettes were found not to packaged in the required packaging contrary to the Standardised Packaging of Tobacco Products Regulations 2015

On 5<sup>th</sup> September 2022 I received a phone call from Zishan Ali Shaikh 'shaun' to inform me that he has completed the training to become a personal licence holder. He advised that the

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**Dated the 22<sup>nd</sup> November 2022**

**Signed** *N. Birch*



**Continuation of witness statement of:**

**Page 7 of 11**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

course provider would send his application to Tameside to become a personal licence holder.

A warrant to enter the flat above Maria and Philips was obtained on 20<sup>th</sup> September 2022. A visit was carried out on the 13<sup>th</sup> October 2022 with officers from Trading Standards, Greater Manchester Police and a tobacco detection dog. During the visit the entry warrant was executed for the flat and 37 packets of illicit tobacco were found and seized. These were of various brands, 8 packets of Richmond Super King, 19 packets of Marlboro, 10 packets of Gold Leaf I exhibit photos of these as **MP/NB21, MP/NB22 AND MP/NB23**. Again the cigarettes were seized as they did not comply with the Tobacco and Related Product Regulations 2016 and The Standardised Packaging of Tobacco Products Regulations 2015.

The shop was also searched and one opened packet of Benson and Hedges was seized from the area between the shop counter and the back room. Officers also found 66 Elux 3,550 e-cigarettes on sale which were also seized as they did not comply with the Tobacco and Related Products Regulations 2016. Under Regulations 48 of the Tobacco and Related Product Regulations 2016 a person is guilty of an offence if they produce or supply a disposable electronic cigarette with a tank capacity exceeding 2ml. These e-cigarettes have also not been published on the register of complaint products by the Medicines and Healthcare Products Regulatory Agency (MHRA), which is also a requirement under the Regulations. The seizure of these e-cigarettes highlights that the business had not followed

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**Dated the 22<sup>nd</sup> November 2022**

**Signed** *N. Buis*

**Continuation of witness statement of:**

**Page 8 of 11**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

the advice in the letter sent to them in December 2021 exhibit **MP/NB06**. I exhibit a copy of the visit record and seizure record as **MP/NB16 and MP/NB17**.

The labelling requirements in the Tobacco and Related Product Regulations 2016 and the Standardised Packaging of Tobacco Product Regulations 2015 have been designed to reduce the appeal of tobacco products (particularly to young people) and to ensure that required health warnings are as prominent as possible. The seizures / test purchases made from this premises highlights a disregard by the business of their legal responsibilities and a pattern of behaviour that suggests a desire to profit from the supply of illicit tobacco. The evidence highlighting the cheap prices charged for these products also suggests that their aim is to promote the supply of tobacco to customers for which genuine (fully taxed) products may be unaffordable, which may include children under 18. Again, this suggests a willingness to breach legal provisions for commercial gain.

In support of this application I refer to Chapter 11 of the Home Office document '*Revised Guidance issued under section 182 of the Licensing Act 2003*' (April 2018), which contains a section titled '*Reviews arising in connection with crime*'. Paragraph 11.27 (pages 93-94) lists types of criminal activity that should be treated seriously in relation to licensed premises and one of these is the use of the premises *for the sale or storage of smuggled tobacco and alcohol*. Some of the tobacco seized from this premises has foreign labelling and is therefore clearly not intended for the UK market. The cigarettes test purchased from the premises cost £5 each. The cost of a legal packet of cigarettes in the UK is currently around £10. The duty on a packet of cigarettes is at least £5.26. It is therefore reasonable to suspect that it has

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**Dated the 22<sup>nd</sup> November 2022**

**Signed**

*N. Buis*

**Continuation of witness statement of:**

**Page 9 of 11**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

been illegally smuggled into the country without the full UK Excise Duty being paid. As outlined in this application, in supplying and possessing for supply these products, the premises are also committing criminal offences under the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015.

Also of relevance to this application is Paragraph 11.28 of the Home Office guidance, which states;

*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.***

Tameside MBC also believes that the possession and evidence of supply of this illicit tobacco poses a risk to the safety of consumers purchasing the products. Therefore, this application is also submitted in relation to the licensing objective 'Public Safety', on the following grounds:

-Some of the products seized/purchased did not contain the required health warnings in English or in compliance with the Tobacco and Related Products Regulations 2016. This, in

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**Dated the 22<sup>nd</sup> November 2022**

**Signed** *N. Buis*

**Continuation of witness statement of:**

**Page 10 of 11**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

addition to the cheaper prices charged, could lead to the promotion of the tobacco to users, including children, who may otherwise choose not to purchase and smoke it.

-The illicit nature of the tobacco products seized/purchased means that the source of supply to the business is unable to be verified and therefore it is reasonable to suspect that the products may have been manufactured specifically for the illegal market. Therefore, it is unknown whether the products have been manufactured using safe manufacturing processes and whether they contain any hazardous ingredients.

There have also been illicit products found previously by other Trading Standards authorities that have been found to be unsafe under the General Product Safety Regulations 2005, due to not complying with a mandatory safety standard (EN 16156) for cigarettes that requires them to be self-extinguishing if left unattended or not inhaled from after a set period of time. This standard came into force in November 2011 as a result of a high number of house fires being attributed to smoking. As above, the unknown supply chain for the products in question means that their compliance with this standard is unknown and they may therefore present a fire hazard.

Finally, the seizure of e-cigarettes on 13<sup>th</sup> October 2022 is also relevant to the 'Public Safety' licensing objective. The brand/model of e-cigarettes seized have not been approved for supply by the Medicines and Healthcare products Regulatory Agency and therefore their compliance with the product safety requirements in the Tobacco and Related Products Regulations 2016 have not been verified. Where a retailer fails to establish the legal

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**Dated the 22<sup>nd</sup> November 2022**

**Signed** *N. Buis*

**Continuation of witness statement of:**

**Page 11 of 11**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

compliance of e-cigarettes they are supplying there is the potential that they are exposing their customers to unsafe products. The seizure in question highlights a failure of this business to carry out this check, despite being previously advised by this department (by letter) of the requirement to do so.

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**Dated the 22<sup>nd</sup> November 2022**

**Signed** *N. Buis*

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**Tameside Metropolitan Borough Council**

**-v-**

**Defendant**

**Exhibit Marked:**

**MP/NB01**

**Description:**

**Complaint received on 28.6.21**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. BNS*

**Date of Statement:**

**22.11.22**

## COMPLAINT DETAILS WORKSHEET

Complaint Ref: 21/00657/CMPP  
 Date Complaint Received: 28.06.2021  
 Complaint Type: CMPP

Date Jobsheet Printed:  
 Allocated to: NB  
 Officer in Charge: Bev Hursthouse  
 Disclosure Officer: Sharon Smith

<u>Subject of Complaint</u>	<u>Details of Complaint</u>
Name: Maria And Phillip Off Licence Address: 7 Stockport Road Hyde Tameside SK14 1RH	Cigaretted//Fake//Underage Selling

<u>Complainant</u>	<u>Complainant Details</u>
Name: ██████████ Address: ██████████	DAY ██████████

Date	Visit Type / Officer	Notes	
19/07/21	Administration Log Nicola Briers	19/07/21 at 15:05 by nb No further contact received from C. Revisit to be carried out to T in the next 2 months - reminder put in calendar.	
<b>Actions</b>			
Due Date	Act. Date	Action Type	Officer

Date	Visit Type / Officer	Notes	
13/07/21	Administration Log Nicola Briers	13/07/21 at 14:05 by nb Rang and left message for C so I can update. Warning letter and signing over forms sent to T. Docs attached.	
<b>Actions</b>			
Due Date	Act. Date	Action Type	Officer
	13/07/21	Informal Warning Letter of Contravention	Nicola Briers
	13/07/21	Telephone	Nicola Briers

Date	Visit Type / Officer	Notes	
08/07/21	Administration Log Nicola Briers	08/07/21 at 19:43 by nb 08/07/21 at 17:30 by nb Premises visited on the 8th rather than the 6th due to illness. 6 packets of illicit amber leaf seized. No evidence of the sale of single cigarettes. No refusals book. Premises not managed well. To send an letter to the licence holder to sign over the tobacco seized and advise re underage sales, illicit tobacco and the sale of single cigarettes.  Spoke to licesing re T as no premises licence displayed and the person working at the premises did not hold a personal licence. T should authorise the worker to serve. To send licensing an email with my concerns and licensing will visit.	
<b>Actions</b>			
Due Date	Act. Date	Action Type	Officer



	08/07/21	Visit	Nicola Briers
--	----------	-------	---------------

Date	Visit Type / Officer	Notes	
30/06/21	Administration Log Nicola Briers	30/06/21 at 16:43 by nb premises last inspected on 7/9/2016. Premises licence - 20/00619/LAPL03 - licence holder - Ms Erika Demeterova. Visit arranged with Tim on Tue 6th July at 12.30.	
<b>Actions</b>			
Due Date	Act. Date	Action Type	Officer

Date	Visit Type / Officer	Notes	
28/06/21	Telephone call	OUTCOME: - ADVICE: SUMMARY: C calling regarding shop selling cigarettes to underage children and dodgy cigarettes C has teenage son 14 years old, found out he has been smoking C knew he was getting cigarettes from somewhere, C asked son where he is getting them from C went to the shop, they sell normal cigarettes for £1 each or dodgy (fake) cigarettes for £0.50 each Unsure of what brand they are.  ADVICE: thanked for info - will refer to TSS  ACTION: Refer//NCTC - PARTNER INFORMED = tameside	
<b>Actions</b>			
Due Date	Act. Date	Action Type	Officer

EV1MASTER/EV1ST5 Investigation Record – Criminal Procedure and Investigations Act 1996

Recommended for closure ?	yes / no	Closing Officer
Complaint founded ?	yes / no	Date Closed

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB02**

**Description:**

**Photo of Amber Leaf seized on 8.7.21**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. BWS*

**Date of Statement:**

**22.11.22**



MP/NB02 - seized on 8/7/21.

**Tameside Metropolitan Borough Council**

**-v-**

**Defendant**

**Exhibit Marked:**

**MP/NB03**

**Description:**

**Example of standardised packaging**

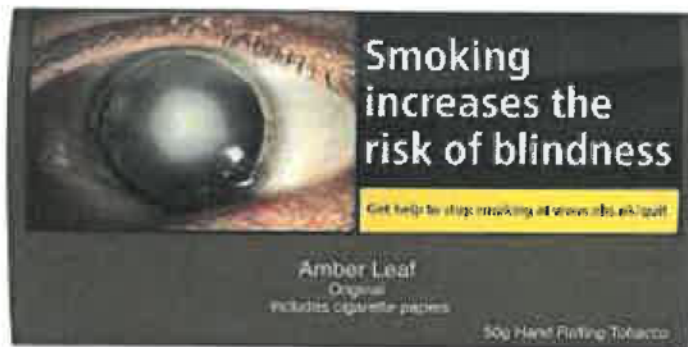
**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. BWS*

**Date of Statement:**

**22.11.22**



**Tameside Metropolitan Borough Council**

**-v-**

**Defendant**

**Exhibit Marked: MP/NB04**

**Description: Visit record – 8.7.21**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. B. W.*

**Date of Statement: 22.11.22**

Shawn - business owner inputted



**Report on a Business Compliance Visit**

Date ..... Business Ref 21/00008/LOCAL  
 Premise Name .....  
 Address .....  
 Postcode ..... Tel: ..... Email: .....  
 Website: .....

Person Seen: ..... Signature .....  
 Position: .....

Officers Name ..... Tel: 0161-342 .....  
 Officer signature: ..... Email .....@tameside.gov.uk

**DETAILS OF VISIT**  
 .....  
 .....  
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 .....

<input type="checkbox"/> Bulk	<input type="checkbox"/> Programmed Inspection	<input type="checkbox"/> Satisfactory
<input type="checkbox"/> Manufacturer	<input type="checkbox"/> Random	<input checked="" type="checkbox"/> Unsatisfactory
<input type="checkbox"/> Packer	<input checked="" type="checkbox"/> Complaint	Revisit YES/NO
<input type="checkbox"/> Importer	<input type="checkbox"/> Sampling	Other Action YES/No
<input type="checkbox"/> Retailer	<input type="checkbox"/> Survey	Samples Taken YES/NO
<input type="checkbox"/> Wholesaler	<input type="checkbox"/> Request	No .....

If you require clarification on any matter, please contact the officer on details above.

**Food Safety Act 1990 / Feeding Stuffs Regulations 2005**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>PRODUCT DESIGN</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Master Manufacturing Instructions</li> <li><input type="checkbox"/> Recipes</li> <li><input type="checkbox"/> Ingredients</li> <li><input type="checkbox"/> Allergens</li> </ul>                                                                                                                                                                                | <p><b>STORAGE &amp; DISTRIBUTION</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Storage &amp; Distribution</li> <li><input type="checkbox"/> Segregation</li> <li><input type="checkbox"/> Stock Rotation</li> </ul>                                                                                                                                                                    | <p><b>RAW MATERIALS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Specifications</li> <li><input type="checkbox"/> Documentation</li> <li><input type="checkbox"/> Storage &amp; Rotation</li> <li><input type="checkbox"/> Materials in Contact with Food</li> </ul>             |
| <p><b>PRODUCTION PROCESS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Plant Machinery</li> <li><input type="checkbox"/> Process &amp; Processing Methods</li> <li><input type="checkbox"/> Operating Instructions &amp; Training</li> <li><input type="checkbox"/> Semi-Finished Products</li> <li><input type="checkbox"/> Automated process Control Checks</li> <li><input type="checkbox"/> Records of Above Checks</li> </ul> | <p><b>QUALITY SYSTEMS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Sampling Procedures</li> <li><input type="checkbox"/> Analytical Procedures</li> <li><input type="checkbox"/> Acceptance/Rejection Systems</li> <li><input type="checkbox"/> Consumer Complaints Procedure</li> <li><input type="checkbox"/> Recall Procedure</li> <li><input type="checkbox"/> Records</li> </ul> | <p><b>COMPLETED PRODUCT</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Specification</li> <li><input type="checkbox"/> Composition &amp; Quality</li> <li><input type="checkbox"/> Packaging Materials</li> <li><input type="checkbox"/> Presentation &amp; Advertising</li> </ul> |
| <p><b>PRODUCT LABELLING</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Labels, QUID, GM, Nutrition, Health</li> <li><input type="checkbox"/> Labels, Allergens</li> <li><input type="checkbox"/> Date Marking</li> <li><input type="checkbox"/> Advertising</li> </ul>                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                             |

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB05**

**Description:**

**Warning letter – 13.07.21**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. Buis*

**Date of Statement:**

**22.11.22**



**Sharon Smith**  
**Head of Public Protection**

Tame Street Depot, Tame Street, Stalybridge  
Tameside, SK15 1ST

Call Centre      0161-342-8355  
Twitter            @tmhc\_places

[www.tameside.gov.uk](http://www.tameside.gov.uk)  
email: [nicola.briers@tameside.gov.uk](mailto:nicola.briers@tameside.gov.uk)

Doc Ref            21/00657/CMPP  
Ask for            Nicola Briers  
Direct Line        07970817735  
Date                13<sup>th</sup> July 2021

Ms Erica Demetorova  
Maria and Phillip  
7 Stockport Road  
Hyde  
Tameside  
SK14 1RH

Dear Ms Demetorova

**Children and Young Persons (Protection from Tobacco) Act 1981**  
**Tobacco and Related Product Regulations 2016**  
**Consumer Protection from Unfair Trading Regulations 2008.**

On 8<sup>th</sup> July 2021, I visited your business at 7 Stockport Road, Hyde in response to a complaint received. The complaint alleges that your business sells illicit tobacco and sells single cigarettes to children,

At the time of my visit, I outlined a number of issues which came to my attention with Andrew Bridge. I am writing to confirm the issues I raised. I have also left Mr Bridge with a Record of Inspection.

**Tobacco Notice**

The Children and Young Persons Act 1933/ Children and Young Persons (Protection from Tobacco) Act 1991 require that retailers of tobacco products must display the following prescribed warning statement:-

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

The notice must be displayed in a prominent position. It must not measure less than 297 mm x 420 mm and no characters should be less than 36 mm in height. I left Andrew Bridge a copy of the above notice at the time of my inspection, which should be displayed in accordance with the above legislation.

**Sale of Single Cigarettes**

The complaint I received stated that your business sells single cigarettes to children for either 50p or £1. Section 3 of The Children and Young Persons (Protection from Tobacco) Act 1991 states that it shall be an offence for any person carrying on a retail business to sell cigarettes to any

person other than in their original package. Original packaging means the package in which the cigarettes were supplied for the purpose of retail sale by the manufacturer or importer. The current penalty for this offence is a fine of up to £1000.

Under The Tobacco and Related Products Regulations 2016, cigarettes can only legally be sold in plain packs of 20, with health warnings. Failure to comply with these requirements is an offence under regulation 48 of The Tobacco and Related Products Regulations 2016. The current penalty for this offence is a fine of up to £5,000 and / or 3 month imprisonment.

You **must not** sell single cigarettes

### **Sale of cigarettes to children under the age of 18**

The law states that it is an offence for any person to sell any tobacco products (including cigarette papers) to a person under 18, whether or not it was for their own use. This is a strict liability offence, which means the owner of the business can be held responsible as well as the member of staff who made the sale. If you are charged with this offence, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. This is commonly known as the 'due diligence' defence.

In order to keep within the law and therefore satisfy the legal defences, you should introduce an age verification policy and have effective systems to prevent sales and display to under-18s. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, and to keep pace with any advances in technology. For further information as to the systems you should put in place please go [www.businesscompanion.info/en/quick-guides/underage-sales/tobacco-and-nicotine-inhaling-products](http://www.businesscompanion.info/en/quick-guides/underage-sales/tobacco-and-nicotine-inhaling-products). One part of these systems is to complete a refusals log. A refusals book was left at the time of my visit.

For further information on how to ensure the sale of alcohol does not take place at your premises please go to [www.businesscompanion.info/en/quick-guides/underage-sales/alcohol](http://www.businesscompanion.info/en/quick-guides/underage-sales/alcohol).

### **Sale of illicit tobacco.**

Tameside Trading Standards is responsible for the enforcement of the above legislation within the Borough of Tameside and acts to enforce it to ensure the sale of cigarettes comply with the requirements laid down in the regulations.

During my visit, I seized 6 packets of Amber Leaf rolling tobacco from the stock room / back room of your premises at 7 Stockport Road, Hyde, Tameside as they were non-duty paid and in foreign labelled packaging.

The supply or possession for supply of cigarettes in non-standardised packaging and non-duty paid tobacco is a criminal offence under the above Regulations. The current penalty for each offence under the Tobacco and Related Products Regulations 2016 is a fine of up to £5000 or 3 months imprisonment. The current penalty for each offence under the Consumer Protection from Unfair Trading Regulations 2008 is a fine of upto £5000 and/or 2 years imprisonment.

I have enclosed some forms for you to sign the hand rolling tobacco over to this department for disposal. **If you sign the top copy and return it to me to the address provided**, no further action will be taken on this occasion. However, if you are found in possession of non-compliant tobacco in Tameside in future, a report will be submitted to our legal department with a recommendation for prosecution.

### **Pricing**

Many items in your shop were not priced. When selling to the general public, all pricing information must be clearly legible, unambiguous, easily identifiable, in sterling, and inclusive of VAT and any additional taxes.

Pricing information must be given close to the goods. Prices can be shown:

- on the goods themselves
- on a ticket or notice near to the goods
- grouped together with other prices on a list in close proximity to the goods.

Pricing information must be available and clearly visible to consumers without them having to ask for assistance in order to see it.

If you have any questions regarding the content of this letter, please do not hesitate to contact me. I intend to revisit your premises in the next two months to ensure that the above issues have been rectified.

Yours sincerely,



**Nicola Briers**  
**Trading Standards Officer**  
**Operations and Neighbourhoods**

Name: Ms Demetorova  
Address: Maria and Phillip  
7 Stockport Road  
Hyde  
Tameside  
Sk14 1RH

I hereby agree to Tameside MBC retaining the following goods seized on:  
8<sup>th</sup> July 2021

Description

6 x Amber Leaf Rolling Tobacco (50g)

For disposal of the said goods in the same manner as if they had been forfeited by a Court under Section 143 of the Powers of Criminal Courts (Sentencing) Act 2000

Signed:

Dated:

**PLEASE SIGN AND DATE THIS FORM AND RETURN TO:**

**FAO Ms Nicola Briers  
Tameside Trading Standards  
Tame Street Depot  
Tame Street  
Stalybridge  
Tameside  
SK15 1ST.**

Name: Ms Demetorova  
Address: Maria and Phillip  
7 Stockport Road  
Hyde  
Tameside  
Sk14 1RH

I hereby agree to Tameside MBC retaining the following goods seized on:  
8<sup>th</sup> July 2021

Description  
6 x Amber Leaf Rolling Tobacco (50g)

For disposal of the said goods in the same manner as if they had been forfeited by a Court under  
Section 143 of the Powers of Criminal Courts (Sentencing) Act 2000.

Signed:

Dated:

**TO BE KEPT FOR YOUR RECORDS**

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB06**

**Description:**

**Signing over form received 24.8.21**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. Buss*

**Date of Statement:**

**22.11.22**

Name: Ms Demetorowa  
Address: Mana and Philip  
7 Stockport Road  
Hyde  
Tameside  
SK14 1RH

I hereby agree to Tameside MBC retaining the following goods seized on:  
8<sup>th</sup> July 2021

Description  
6 x Amber Leaf Rolling Tobacco (50g)

For disposal of the said goods in the same manner as if they had been forfeited by a Court under  
Section 143 of the Powers of Criminal Courts (Sentencing) Act 2000

Signed: 

Dated: 24.08.21

**PLEASE SIGN AND DATE THIS FORM AND RETURN TO:**

FAO Ms Nicola Briers  
Tameside Trading Standards  
Tame Street Depot  
Tame Street  
Stalybridge  
Tameside  
SK15 1ST.

**Tameside Metropolitan Borough Council**

**-v-**

**Defendant**

**Exhibit Marked:**

**MP/NB07**

**Description:**

**Email from GMP dated 9.11.21**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. Buss*

**Date of Statement:**

**22.11.22**



## Nicola Briers

---

**From:** Nicola Briers  
**Sent:** 09 November 2021 14:45  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Vapes intel

Hi Martin

Do you have the number of Stockport Road? I can't think which premises it is?

Thanks

**Nicola Briers**  
**Trading Standards Officer**  
Environmental Services (Public Protection)  
Operations and Neighbourhoods  
Place

[Tameside MBC](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)  
Tame Street Depot | Tame Street | Stalybridge | Tameside | SK15 1ST

Tel. 0161 342 3670  
Mobile. 07970817735

*This email was sent at a time & date convenient to the sender; please do not feel under any pressure to respond immediately if this is outside your normal working hours.*

Email Disclaimer <http://www.tameside.gov.uk/disclaimer>



**From:** [REDACTED]  
**Sent:** 09 November 2021 08:47  
**To:** Nicola Briers <nicola.briers@tameside.gov.uk>; [REDACTED]  
**Subject:** Vapes intel

Gree Co's Store (NFD) on Stockport Road, Gee Cross, is selling High Strength Vapes to school children.

(short and sweet)

M

You can access many of our services online at [gmp.police.uk](http://gmp.police.uk).

For emergencies only call 999 or 101 if it's a less urgent matter.

You can also connect with us on:

- o Facebook: [www.facebook.com/GtrManchesterPolice](http://www.facebook.com/GtrManchesterPolice)
- Twitter: [www.twitter.com/gmpolice](http://www.twitter.com/gmpolice)
- Instagram: [www.instagram.com/gtrmanchesterpolice](http://www.instagram.com/gtrmanchesterpolice)
- Flickr: [www.flickr.com/gmpolice1](http://www.flickr.com/gmpolice1)
- YouTube: [www.youtube.com/gmpolice](http://www.youtube.com/gmpolice)
- Pinterest: [www.pinterest.co.uk/gmpolice](http://www.pinterest.co.uk/gmpolice)

To find out what is happening in your area, visit [www.gmp.police.uk/a/your-area](http://www.gmp.police.uk/a/your-area) where you will be able to follow local social media accounts.

*DISCLAIMER: This message and any attachment may contain information which is confidential or privileged. It is intended for the addressee(s) only. If you have received this message in error, notify the sender and delete it and any attachments without retaining a copy.*

*Unauthorised use or disclosure of the contact may be unlawful. Any opinions expressed may not be official policy.*

*Unless encrypted, internet email is not to be treated as a secure means of communication. Greater Manchester Police records and monitors all email activity and content and you are advised that any email you send may be subject to monitoring.*

*Thank you for your co-operation.*

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB08**

**Description:**

**Warning letter re e-cigarettes and  
underage sales sent December 2021**

**I have examined the attached exhibit referred to in my  
statement and can confirm that it is a true and accurate copy  
of the original'**

**Signed:**

*N. Buis*

**Date of Statement:**

**22.11.22**

**Sharon Smith**  
Head of Public Protection

Tame Street Depot, Tame Street, Stalybridge  
Tameside, SK15 1ST

Call Centre 0161-342-8355  
Twitter @tmbc\_places

[www.tameside.gov.uk](http://www.tameside.gov.uk)  
email: [publicprotection-es@tameside.gov.uk](mailto:publicprotection-es@tameside.gov.uk)

Doc Ref  
Ask for Trading Standards  
Direct Line  
Date November 2021

Dear

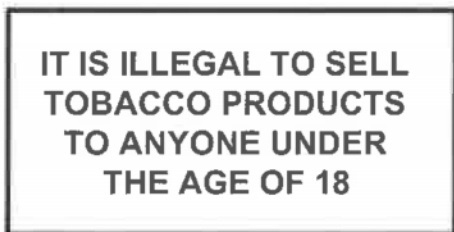
**Legal requirements in relation to Tobacco, E-cigarettes and E-Liquids**

We are writing to you today to provide some guidance on some of the legal obligations for retailers when it comes to the sale of tobacco products, e-cigarettes and e-liquids. If you are selling these products then we ask that you familiarise yourself with the following guidance and satisfy yourself that you are trading within the law.

**Tobacco Products**

Under the **Children and Young Persons (Protection from Tobacco) Act 1991** it is a legal requirement to display the notice below, where any tobacco products are being sold. **Please be aware that cigarette papers** are considered a tobacco product for the purpose of this age restriction.

To obtain a free cardboard copy of this notice for your business please send a request to [publicprotection-es@tameside.gov.uk](mailto:publicprotection-es@tameside.gov.uk)

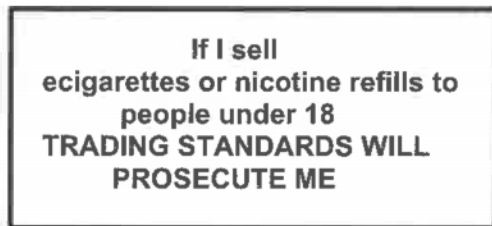


Under the **Children and Young Persons Act 1933** it is an offence to sell tobacco products to anyone under the age of 18 so please remain vigilant when it comes to asking young people to produce proof of their age.

## **E cigarettes and E Liquids (Nicotine inhaling products)**

The **Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015** prohibit the sale of Nicotine inhaling products (which includes e liquid refill containers) to persons under 18, therefore a person who sells any e-cigarettes or e-liquids to someone under 18 is committing an offence.

If you sell e-cigarettes and associated devices you might want to display a poster advising customers that you will not sell to under-18s:



More information on about what is an acceptable form of identification for proof of age can be found at <https://www.businesscompanion.info/en/quick-guides/underage-sales/tobacco-and-nicotine-inhaling-products>

To assist you to stay within the law in relation to under age sales and help demonstrate due diligence in the event of enforcement action by Trading Standards, there are also a number of best practice procedures that you can implement as part of your age verification policy. These are as follows:

### **Operate a Challenge 21 or Challenge 25 policy**

This means that if the person appears to be under 21 or 25, they will be asked to verify that they are 18 or over by showing valid proof of age.

### **Staff training**

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe a person under 18 is attempting to buy. It is important that you can prove your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

### **Maintain a refusals log**

All refusals of tobacco and tobacco products should be recorded (date, time, incident, description of potential buyer). Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them.

## **Labelling of E-cigarettes and E-liquids – selling compliant products**

To ensure that you are only selling legally compliant products we ask that you familiarise yourself with the guidance on the following website:

<https://www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products>

Important issues to be aware of are as follows:

-all e-cigarettes and e-liquids are required to be notified to the MHRA (Medicines and Healthcare products Regulatory Agency) before they can be sold. Notification is the responsibility of the manufacturer or importer but as a retailer you should check that a compliant notification has been published on the lists available on the above website when sourcing new products. If in doubt ask your supplier to demonstrate that the product has been notified.

-the volume of e-cigarette tanks (including disposable e cigarettes) is not permitted to be more than **2 ml**

-the maximum volume of nicotine-containing e-liquid in a refill container is not permitted to be above 10 ml

-the nicotine strength of e-liquids is not permitted to be more than **20 mg/ml (2 %)**

-E-cigarettes and e-liquids must be in tamper-evident and child-resistant packaging

-The products must be labelled with the following:

- List of ingredients in nicotine-containing liquid, if present
- Indication of nicotine content and delivery per dose
- Batch number
- Recommendation to keep the product out of the reach of children
- Prominent health warning in black text on a white background on front and back -  
**"This product contains nicotine which is a highly addictive substance"**
- Contact details of a **UK based** manufacturer or importer

Nicotine-containing e-liquids are also required to be labelled with safety information under the **CLP Regulation** (classification, labelling and packaging of substances). Under this regulation nicotine is classified as a hazardous substance and therefore products must be labelled with certain warnings and safety instructions, depending on the amount of nicotine present. When sourcing new products you should check to make sure one of the pictograms and accompanying information below is present on the labelling.



For nicotine-containing e-liquids below 18 mg/ml (1.8 %). It must also be accompanied by the words 'Warning' and 'Harmful if swallowed'



For nicotine-containing e-liquids of **18 mg/ml (1.8 %) and above**. It must also be accompanied by the words '**Danger**' and '**Toxic if swallowed**'


It is an offence to supply e-cigarettes and e-liquids that don't comply with the above requirements so it is important that you as a retailer check the products you are sourcing, to ensure that they are compliant, and that the manufacturer or importer has complied with the necessary legal requirements.

### **Penalties for non-compliance**

Failure to comply with the requirements outlined above may lead to enforcement action by Trading Standards and if you are found guilty of an offence then you may be liable to a fine and/or a prison sentence. Therefore, we ask that you give the issues raised in this letter your due consideration and satisfy yourself that you are trading lawfully.

More information on your legal obligations in relation to the above and other areas of Trading Standards related legislation can be found at <https://www.businesscompanion.info/> .

Yours faithfully,



**Nicola Briers**  
**Trading Standards Officer**  
**Operations and Neighbourhoods**

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB09**

**Description:**

**Test purchase sheet – 14.2.22**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. Buis*

**Date of Statement:**

**22.11.22**



TRADING STANDARDS TOBACCO TEST PURCHASE OPERATION		
1	Date of visit:	3/02/22
2	Time of visit:	14.15
3	Premises Name:	MARIA AND PHILIP
4	Premises Address:	7 STOCK DART ROAD HYDE SEIK IRH
5	What did you ask for?	RICHMOND
6	What was said in response?	YES - WE HAVE
7	Description of seller?	60-65, ENGLISH, GREY HAIR
8	Tobacco item purchased:	RICHMOND KING SIZE
9	Was any other item purchased with the tobacco? Details:	No
10	Exhibit Reference given to Tobacco purchased:	SD/16
11	Bag / Seal Number:	100065226
12	Price charged for the tobacco item:	£5.00
14	Where was tobacco obtained from?	SHACKET HANGING UP IN STOCK ROOM (COULD SEE IT IN BACK)
15	If there were other customers present did you see them purchase illicit tobacco -yes or no?	No

[OFFICIAL]

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB10**

**Description:**

**Photo of cigarettes test purchased on  
14.2.22**

**I have examined the attached exhibit referred to in my  
statement and can confirm that it is a true and accurate copy  
of the original'**

**Signed:**

*N. BMS*

**Date of Statement:**

**22.11.22**



**Smoking  
seriously harms  
you and others  
around you**

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB11**

**Description:**

**Visit record 17/2/22**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. BMS*

**Date of Statement:**

**22.11.22**

inputted



Report on a Business Compliance Visit

Date 13/12/22 Business Ref 21100008710000
Premise Name Maria and Phillips
Address 7 Stockport Rd, Hyde, SK14 1EF
Postcode Tel: Email:
Website:

Person Seen: Maria and Phillips Signature [Redacted]
Position:

Officers Name Nicola Brien Tel: 0161-342 3670
Officer signature: N Brien Email nicola.brien@tameside.gov.uk

DETAILS OF VISIT

visit as a result of a large purchase of illicit tobacco
from this premises on 13/12/22.
one packet of illicit tobacco (100g) found
in the packet of a packet being returned
the container - seized

Grid of checkboxes for Bulk, Manufacturer, Packer, Importer, Retailer, Wholesaler, Programmed Inspection, Random, Complaint, Sampling, Survey, Request, Satisfactory, Unsatisfactory, Revisit, Other Action, Samples Taken, No.

If you require clarification on any matter, please contact the officer on details above.

Food Safety Act 1990 / Feeding Stuffs Regulations 2005

- PRODUCT DESIGN
Master Manufacturing Instructions
Recipes
Ingredients
Allergens

- STORAGE & DISTRIBUTION
Storage & Distribution
Segregation
Stock Rotation

- RAW MATERIALS
Specifications
Documentation
Storage & Rotation
Materials in Contact with Food

- PRODUCTION PROCESS
Plant Machinery
Process & Processing Methods
Operating Instructions & Training
Semi-Finished Products
Automated process Control Checks
Records of Above Checks

- QUALITY SYSTEMS
Sampling Procedures
Analytical Procedures
Acceptance/Rejection Systems
Consumer Complaints Procedure
Recall Procedure
Records

- COMPLETED PRODUCT
Specification
Composition & Quality
Packaging Materials
Presentation & Advertising

- PRODUCT LABELLING
Labels, QUID, GM, Nutrition, Health
Labels, Allergens
Date Marking
Advertising

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB12**

**Description:**

**Seizure record 17/2/22**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. BMS*

**Date of Statement:**

**22.11.22**

This matter is being dealt with by: *Nicola Skerrett*

Reference:

Tel:

Email: *nicola.skerrett@tameside.gov.uk*

**Consumer Rights Act 2015**

**Receipt for goods or documents seized under Schedule 5**

Name and address of person from whom goods/documents seized:-

*ZU LIAN SHAIKH, MARIA + PHILIP, 7 STICK ROAD RD,  
HYDE*

Details of goods or documents seized (Specify quantity):-

*10g AMBER LEAF x 1 - PCG NO: P00065098*

Reason for seizure:-

*For the purpose of the Consumer Rights Act 2015  
part 14 of the Consumer Rights Act 2015*

Signature of Authorised Officer *N. Skerrett* ..... Date *17/11/20* .....

For and on Behalf of Tameside Metropolitan Borough Council

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB13**

**Description:**

**Photo of Amber Leaf seized on 17/2/22**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. Buis*

**Date of Statement:**

**22.11.22**





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**Tameside Metropolitan Borough Council**

**-v-**

**Defendant**

**Exhibit Marked:**

**MP/NB14**

**Description:**

**Letter sent to DPS and Licence holder  
on 27/6/22**

**I have examined the attached exhibit referred to in my  
statement and can confirm that it is a true and accurate copy  
of the original'**

**Signed:**

*N. BWS*

**Date of Statement:**

**22.11.22**

Mr T Joy  
Maria and Phillips  
7 Stockport Road  
Hyde  
Tameside  
SK14 1RH

**Sharon Smith**  
**Head of Public Protection**

Tame Street Depot, Tame Street, Stalybridge  
Tameside, SK15 1ST

Call Centre      0161-342-8355  
Twitter            @tmbc\_places

[www.tameside.gov.uk](http://www.tameside.gov.uk)  
email: [nicola.briers@tameside.gov.uk](mailto:nicola.briers@tameside.gov.uk)

Doc Ref            21/00008/LOCAL  
Ask for            Nicola Briers  
Direct Line        0161 342 3670  
Date                27<sup>th</sup> June 2022

Dear Mr Joy

### Licensing Act 2003

Your business – Maria and Philips has a licence to sell alcohol issued by Tameside MBC, premises licence number PL0197. Under the Licensing Act 2003 you must ensure that you are promoting the four licensing objectives at all times. The four objectives are:

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

Tameside Trading Standards Department is deemed a responsible authority as detailed in the Licensing Act 2003 and as such has raised concerns with Tameside Licensing department that your premises is currently not meeting the following licensing objectives:

#### The prevention of crime and disorder

Following a complaint received that you were selling illicit tobacco a visit was made to the premises on 8<sup>th</sup> July 2021. During the visit six packets of hand rolling tobacco were seized. This tobacco was seized because they were foreign labelled tobacco. A warning letter was sent to you on 13<sup>th</sup> July 2021 and the tobacco was signed over to the department for destruction.

On 13<sup>th</sup> February 2022 a test purchase was made at your premise and he was sold one packet of Richmond King Size for £5 this was not in standardised packaging.

Following the test purchase a further visit was made to your premises on 17<sup>th</sup> February 2022 and one packet of hand rolling tobacco was seized from the pocket of a jacket hanging up behind the counter. This tobacco was seized because again this was foreign labelled tobacco and not meant for the UK market.

The supply or possession for supply of this type of tobacco constitutes a criminal offence under the Standardised Packaging of Tobacco Products Regulations 2015 and the Tobacco and Related Products Regulations 2016.

The protection of children from harm

The above legislative requirements have been designed to reduce the appeal of tobacco products (particularly to young people) and to ensure that required health warnings are as prominent as possible. The seizures made from your premise, highlights a disregard by you of your legal responsibilities and a pattern of behaviour that suggests a desire to profit from the supply of illicit tobacco. The evidence highlighting the cheap prices charged for these products also suggests that their aim is to promote the supply of tobacco to customers for which genuine (fully taxed) products may be unaffordable, which may include children under 18. Again, this suggests a willingness to breach legal provisions for commercial gain.

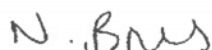
A complaint has also been received against your premises for selling single cigarettes to children. This is an offence under the Children and Young Person (Protection from Tobacco) Act 1991.

In light of the concerns detailed above a meeting is to take place at the council offices with myself and a licensing officer, to amend the conditions on your premises license. The conditions we propose to be included on your premises licence are attached to this letter. These conditions are to ensure that you have the appropriate measures in place to meet the licensing objectives. Both the DPS (Thomas Joy) and the license holder (Erika Demterova) should be present at the meeting.

Please attend the meeting at **Environmental Services, Tame Street Depot, Tame Street, Stalybridge, Tameside, SK15 1ST on Thursday 7<sup>th</sup> July 2022 at 11am**. I would be grateful if you could confirm your attendance, or make arrangements for another suitable appointment by contacting me via email [nicola.briers@tameside.gov.uk](mailto:nicola.briers@tameside.gov.uk) or telephone on 0161 342 3670. Please advise me of any particular access or other provisions you may require.

A licensing officer will also be present at the meeting. If you have any queries in connection with this matter please do not hesitate to contact me.

Yours sincerely,



**Nicola Briers**  
**Trading Standards Officer**  
**Operations and Neighbourhoods**

## **CCTV**

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions within the premises, including information on the Data Protection Act and the Human Rights act.

## **Challenge 25**

The premises must operate a "Challenge 25" scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

## **List of Authorised Persons**

The Designated Premises Supervisor must maintain a written record of all members of staff who are authorised to sell alcohol. This record must include a photograph of the relevant members of staff to be kept on the premises at all times and be made available to a representative of any responsible authority on request.

## **Refusals Book**

A refusals book must be kept at the premises and must be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded. The details to be recorded must be as follows:

- (i) Time, day & date of refusal
- (ii) Item refused
- (iii) Name & address of customer (if given)
- (iv) Description of customer
- (v) Details of id. offered (if shown)

The refusals book must be made available for inspection by responsible authorities on request.

### **Proxy Notices**

The premise must display, in a prominent position, a notice or notices explaining that it is an offence for adults to purchase alcohol and then supply it to persons under 18.

### **Staff Training**

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

### **Purchasing policy**

A purchasing of alcohol and tobacco policy must be implemented at the premises by the designated premises supervisor.

### **Purchasing records to be kept.**

All purchases of alcohol and tobacco products must be made from reputable wholesalers and all purchases must be recorded. These records must be made available on request to the police or authorised officer

Ms E Demterova  
Maria and Phillips



**Sharon Smith**  
**Head of Public Protection**

Tame Street Depot, Tame Street, Stalybridge  
Tameside, SK15 1ST

Call Centre 0161-342-8355  
Twitter @tmbc\_places

[www.tameside.gov.uk](http://www.tameside.gov.uk)  
email: [nicola.briers@tameside.gov.uk](mailto:nicola.briers@tameside.gov.uk)

Doc Ref 21/00008/LOCAL  
Ask for Nicola Briers  
Direct Line 0161 342 3670  
Date 27<sup>th</sup> June 2022

Dear Ms Demterova

**Licensing Act 2003**

Your business – Maria and Phillips has a licence to sell alcohol issued by Tameside MBC, premises licence number PL0197. Under the Licensing Act 2003 you must ensure that you are promoting the four licensing objectives at all times. The four objectives are:

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

Tameside Trading Standards Department is deemed a responsible authority as detailed in the Licensing Act 2003 and as such has raised concerns with Tameside Licensing department that your premises is currently not meeting the following licensing objectives:

**The prevention of crime and disorder**

Following a complaint received that you were selling illicit tobacco a visit was made to the premises on 8<sup>th</sup> July 2021. During the visit six packets of hand rolling tobacco were seized. This tobacco was seized because they were foreign labelled tobacco. A warning letter was sent to you on 13<sup>th</sup> July 2021 and the tobacco was signed over to the department for destruction.

On 13<sup>th</sup> February 2022 a test purchase was made at your premise and he was sold one packet of Richmond King Size for £5 this was not in standardised packaging.

Following the test purchase a further visit was made to your premises on 17<sup>th</sup> February 2022 and one packet of hand rolling tobacco was seized from the pocket of a jacket hanging up behind the counter. This tobacco was seized because again this was foreign labelled tobacco and not meant for the UK market.





The supply or possession for supply of this type of tobacco constitutes a criminal offence under the Standardised Packaging of Tobacco Products Regulations 2015 and the Tobacco and Related Products Regulations 2016.

The protection of children from harm

The above legislative requirements have been designed to reduce the appeal of tobacco products (particularly to young people) and to ensure that required health warnings are as prominent as possible. The seizures made from your premise, highlights a disregard by you of your legal responsibilities and a pattern of behaviour that suggests a desire to profit from the supply of illicit tobacco. The evidence highlighting the cheap prices charged for these products also suggests that their aim is to promote the supply of tobacco to customers for which genuine (fully taxed) products may be unaffordable, which may include children under 18. Again, this suggests a willingness to breach legal provisions for commercial gain.

A complaint has also been received against your premises for selling single cigarettes to children. This is an offence under the Children and Young Person (Protection from Tobacco) Act 1991.

In light of the concerns detailed above a meeting is to take place at the council offices with myself and a licensing officer, to amend the conditions on your premises license. The conditions we propose to be included on your premises licence are attached to this letter. These condition are to ensure that you have the appropriate measures in place to meet the licensing objectives. Both the DPS (Thomas Joy) and the license holder (Erika Demterova) should be present at the meeting.

Please attend the meeting at **Environmental Services, Tame Street Depot, Tame Street, Stalybridge, Tameside, SK15 1ST on Thursday 7<sup>th</sup> July 2022 at 11am**. I would be grateful if you could confirm your attendance, or make arrangements for another suitable appointment by contacting me via email [nicola.briers@tameside.gov.uk](mailto:nicola.briers@tameside.gov.uk) or telephone on 0161 342 3670. Please advise me of any particular access or other provisions you may require.

A licensing officer will also be present at the meeting. If you have any queries in connection with this matter please do not hesitate to contact me.

Yours sincerely,



**Nicola Briers**  
**Trading Standards Officer**  
**Operations and Neighbourhoods**

## **CCTV**

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions within the premises, including information on the Data Protection Act and the Human Rights act.

## **Challenge 25**

The premises must operate a "Challenge 25" scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

## **List of Authorised Persons**

The Designated Premises Supervisor must maintain a written record of all members of staff who are authorised to sell alcohol. This record must include a photograph of the relevant members of staff to be kept on the premises at all times and be made available to a representative of any responsible authority on request.

## **Refusals Book**

A refusals book must be kept at the premises and must be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded. The details to be recorded must be as follows:

- (i) Time, day & date of refusal
- (ii) Item refused
- (iii) Name & address of customer (if given)
- (iv) Description of customer
- (v) Details of id. offered (if shown)

The refusals book must be made available for inspection by responsible authorities on request.

### **Proxy Notices**

The premise must display, in a prominent position, a notice or notices explaining that it is an offence for adults to purchase alcohol and then supply it to persons under 18.

### **Staff Training**

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

### **Purchasing policy**

A purchasing of alcohol and tobacco policy must be implemented at the premises by the designated premises supervisor.

### **Purchasing records to be kept.**

All purchases of alcohol and tobacco products must be made from reputable wholesalers and all purchases must be recorded. These records must be made available on request to the police or authorised officer

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked: MP/NB15**

**Description: Letter sent to DPS and Licence holder  
on 26/7/22**

**I have examined the attached exhibit referred to in my  
statement and can confirm that it is a true and accurate copy  
of the original'**

**Signed:** N. BMS

**Date of Statement: 22.11.22**

**Sharon Smith**  
**Head of Public Protection**Tame Street Depot, Tame Street, Stalybridge  
Tameside, SK15 1STCall Centre 0161-342-8355  
Twitter @tmbc\_places[www.tameside.gov.uk](http://www.tameside.gov.uk)  
email: [nicola.briers@tameside.gov.uk](mailto:nicola.briers@tameside.gov.uk)Doc Ref 21/00008/LOCAL  
Ask for Nicola Briers  
Direct Line 0161 342 3670  
Date 26<sup>th</sup> July 2022Ms E Demterova  
Maria and Phillips

Dear Ms Demterova

**Licensing Act 2003**

Your business – Maria and Philips has a licence to sell alcohol issued by Tameside MBC, premises licence number PL0197. Under the Licensing Act 2003 you must ensure that you are promoting the four licensing objectives at all times. The four objectives are:

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

Tameside Trading Standards Department is deemed a responsible authority as detailed in the Licensing Act 2003 and as such has raised concerns with Tameside Licensing department that your premises is currently not meeting the following licensing objectives:

**The prevention of crime and disorder**

Following a complaint received that you were selling illicit tobacco a visit was made to the premises on 8<sup>th</sup> July 2021. During the visit six packets of hand rolling tobacco were seized. This tobacco was seized because they were foreign labelled tobacco. A warning letter was sent to you on 13<sup>th</sup> July 2021 and the tobacco was signed over to the department for destruction.

On 13<sup>th</sup> February 2022 a test purchase was made at your premise and he was sold one packet of Richmond King Size for £5 this was not in standardised packaging.

Following the test purchase a further visit was made to your premises on 17<sup>th</sup> February 2022 and one packet of hand rolling tobacco was seized from the pocket of a jacket hanging up behind the counter. This tobacco was seized because again this was foreign labelled tobacco and not meant for the UK market.

The supply or possession for supply of this type of tobacco constitutes a criminal offence under the Standardised Packaging of Tobacco Products Regulations 2015 and the Tobacco and Related Products Regulations 2016.

The protection of children from harm

The above legislative requirements have been designed to reduce the appeal of tobacco products (particularly to young people) and to ensure that required health warnings are as prominent as possible. The seizures made from your premise, highlights a disregard by you of your legal responsibilities and a pattern of behaviour that suggests a desire to profit from the supply of illicit tobacco. The evidence highlighting the cheap prices charged for these products also suggests that their aim is to promote the supply of tobacco to customers for which genuine (fully taxed) products may be unaffordable, which may include children under 18. Again, this suggests a willingness to breach legal provisions for commercial gain.


A complaint has also been received against your premises for selling single cigarettes to children. This is an offence under the Children and Young Person (Protection from Tobacco) Act 1991.

In light of the concerns detailed above a meeting is to take place at the council offices with myself and a licensing officer, to amend the conditions on your premises license. The conditions we propose to be included on your premises licence are attached to this letter. These condition are to ensure that you have the appropriate measures in place to meet the licensing objectives. Both the DPS (Thomas Joy) and the license holder (Erika Demterova) should be present at the meeting.

Please attend the meeting at **Environmental Services, Tame Street Depot, Tame Street, Stalybridge, Tameside, SK15 1ST on Tuesday 23rd August 2022 at 11am**. I would be grateful if you could confirm your attendance, or make arrangements for another suitable appointment by contacting me via email [nicola.briers@tameside.gov.uk](mailto:nicola.briers@tameside.gov.uk) or telephone on 0161 342 3670. Please advise me of any particular access or other provisions you may require.

A licensing officer will also be present at the meeting. If you have any queries in connection with this matter please do not hesitate to contact me.

Yours sincerely,



**Nicola Briers**  
**Trading Standards Officer**  
**Operations and Neighbourhoods**

## **CCTV**

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions within the premises, including information on the Data Protection Act and the Human Rights act.

## **Challenge 25**

The premises must operate a "Challenge 25" scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

## **List of Authorised Persons**

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The refusals book must be made available for inspection by responsible authorities on request.

### **Proxy Notices**

The premise must display, in a prominent position, a notice or notices explaining that it is an offence for adults to purchase alcohol and then supply it to persons under 18.

### **Staff Training**

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

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### **Purchasing records to be kept.**

All purchases of alcohol and tobacco products must be made from reputable wholesalers and all purchases must be recorded. These records must be made available on request to the police or authorised officer



**Sharon Smith**  
**Head of Public Protection**

Tame Street Depot, Tame Street, Stalybridge  
Tameside, SK15 1ST

Call Centre 0161-342-8355  
Twitter @tmbc\_places

[www.tameside.gov.uk](http://www.tameside.gov.uk)  
email: [nicola.briers@tameside.gov.uk](mailto:nicola.briers@tameside.gov.uk)

Doc Ref 21/00008/LOCAL  
Ask for Nicola Briers  
Direct Line 0161 342 3670  
Date 26<sup>th</sup> June 2022

Mr T Joy  
Maria and Phillips  
7 Stockport Road  
Hyde  
Tameside  
SK14 1RH

Dear Mr Joy

**Licensing Act 2003**

Your business – Maria and Philips has a licence to sell alcohol issued by Tameside MBC, premises licence number PL0197. Under the Licensing Act 2003 you must ensure that you are promoting the four licensing objectives at all times. The four objectives are:

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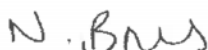
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**Nicola Briers**  
**Trading Standards Officer**  
**Operations and Neighbourhoods**

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### **Purchasing records to be kept.**

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**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB16**

**Description:**

**Record of meeting 30.08.22**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. BMS*

**Date of Statement:**

**22.11.22**

**Report on a Business Compliance Visit**

Date ..... Business Ref .....  
 Premise Name Maria + Phillips .....  
 Address .....  
 Postcode ..... Tel: ..... Email: .....  
 Website: .....

Person Seen: ..... Signature .....  
 Position: .....

Officers Name ..... Tel: 0161-342 .....  
 Officer signature: ..... Email .....@tameside.gov.uk

**DETAILS OF VISIT**

Following letters to premise Mr T Joy came to office to discuss issues with the premise. The DPS must be involved with the day to day running of the premise. If you do not have control of the premise alcohol should not be sold until the DPS is transferred to 'Shawn'. Erika / Shawn to contact Nicola Bries / Rebecca Birch to arrange a appointment to come into office.

<input type="checkbox"/> Bulk	<input type="checkbox"/> Programmed Inspection	<input type="checkbox"/> Satisfactory
<input type="checkbox"/> Manufacturer	<input type="checkbox"/> Random	<input type="checkbox"/> Unsatisfactory
<input type="checkbox"/> Packer	<input type="checkbox"/> Complaint	Revisit YES/NO
<input type="checkbox"/> Importer	<input type="checkbox"/> Sampling	Other Action YES/No
<input type="checkbox"/> Retailer	<input type="checkbox"/> Survey	Samples Taken YES/NO
<input type="checkbox"/> Wholesaler	<input type="checkbox"/> Request	No .....

If you require clarification on any matter, please contact the officer on details above.

**Food Safety Act 1990 / Feeding Stuffs Regulations 2005**

**PRODUCT DESIGN**

- Master Manufacturing Instructions
- Recipes
- Ingredients
- Allergens

**STORAGE & DISTRIBUTION**

- Storage & Distribution
- Segregation
- Stock Rotation

**RAW MATERIALS**

- Specifications
- Documentation
- Storage & Rotation
- Materials in Contact with Food

**PRODUCTION PROCESS**

- Plant Machinery
- Process & Processing Methods
- Operating Instructions & Training
- Semi-Finished Products
- Automated process Control Checks
- Records of Above Checks

**QUALITY SYSTEMS**

- Sampling Procedures
- Analytical Procedures
- Acceptance/Rejection Systems
- Consumer Complaints Procedure
- Recall Procedure
- Records

**COMPLETED PRODUCT**

- Specification
- Composition & Quality
- Packaging Materials
- Presentation & Advertising

**PRODUCT LABELLING**

- Labels, QUID, GM, Nutrition, Health
- Labels, Allergens
- Date Marking
- Advertising

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB17**

**Description:**

**Warning letter - 30.08.22**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. Buis*

**Date of Statement:**

**22.11.22**

**Sharon Smith**  
**Head of Public Protection**Tame Street Depot, Tame Street, Stalybridge  
Tameside, SK15 1STMaria and Phillips  
7 Stockport Road  
Hyde Tameside  
SK14 1RHCall Centre      0161-342-8355  
Twitter            @tmbsc\_places[www.tameside.gov.uk](http://www.tameside.gov.uk)  
email: [nicola.briers@tameside.gov.uk](mailto:nicola.briers@tameside.gov.uk)Doc Ref            21/00008/LOCAL  
Ask for            Nicola Briers  
Direct Line        07970817735  
Date                30<sup>th</sup> August 2022

Dear Sir / Madam

**Re: Tobacco and Related Products Regulations 2016**  
**Consumer Protection from Unfair Trading Regulations 2008**

This Department is responsible for the enforcement of the above legislation within the Borough of Tameside and acts to enforce it to ensure the sale of cigarettes comply with the requirements laid down in the regulations.

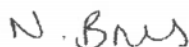
On 17<sup>th</sup> February 2022, I seized the following tobacco from your premises :

1 x 50g pack Amber Leaf hand rolling tobacco.

The supply or possession for supply of cigarettes / tobacco in non-standardised packaging and non-duty paid tobacco is a criminal offence under the above Regulations. The current penalty for each offence under the Tobacco and Related Products Regulations 2016 is a fine of up to £5000 or 3 months imprisonment. The current penalty for each offence under the Consumer Protection from Unfair Trading Regulations 2008 is a fine of upto £5000 and/or 2 years imprisonment.

I have enclosed some forms for you to sign the cigarettes and hand rolling tobacco over to this department for disposal. If you sign the top copy and return it to me at the address shown, no further action will be taken on this occasion. However, if you are found in possession of non-compliant tobacco in Tameside in future, a report will be submitted to our legal department with a recommendation for prosecution.

Yours sincerely,

**Nicola Briers**  
**Trading Standards Officer**  
**Operations and Neighbourhoods**  
Name: Maria and Phillips



Address: 7 Stockport Road  
Hyde  
Tameside  
SK14 1RH

I hereby agree to Tameside MBC retaining the following goods seized on:  
17<sup>th</sup> February 2022.

Description

1 x 50g Amber Leaf hand rolling tobacco

For disposal of the said goods in the same manner as if they had been forfeited by a Court under  
Section 143 of the Powers of Criminal Courts (Sentencing) Act 2000

Signed:

Dated:

**PLEASE SIGN AND DATE THIS FORM AND RETURN TO:**

**FAO Ms Nicola Briers  
Tameside Trading Standards  
Tame Street Depot  
Tame Street  
Stalybridge  
Tameside  
SK15 1ST.**

Name: Maria and Phillips

Address: 7 Stockport Road  
Hyde  
Tameside  
SK14 1RH

I hereby agree to Tameside MBC retaining the following goods seized on:  
17<sup>th</sup> February 2022

Description:

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For disposal of the said goods in the same manner as if they had been forfeited by a Court under Section 143 of the Powers of Criminal Courts (Sentencing) Act 2000.

Signed:

Dated:

**TO BE KEPT FOR YOUR RECORDS**

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB18**

**Description:**

**Signing over form - 30.08.22**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. Buis*

**Date of Statement:**

**22.11.22**

Name: Maria and Phillips

Address: 7 Stockport Road  
Hyde  
Tameside  
SK14 1RH

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For disposal of the said goods in the same manner as if they had been forfeited by a Court under Section 143 of the Powers of Criminal Courts (Sentencing) Act 2000

Signed: 

Dated: 30/8/22.

**PLEASE SIGN AND DATE THIS FORM AND RETURN TO:**

**FAO Ms Nicola Briers  
Tameside Trading Standards  
Tame Street Depot  
Tame Street  
Stalybridge  
Tameside  
SK15 1ST.**

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB19**

**Description:**

**Statement from test purchase on 4.9.22**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. Buis*

**Date of Statement:**

**22.11.22**

**STATEMENT OF WITNESS**

(Criminal Procedure Rules r 16.2;  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

**STATEMENT OF -**

[REDACTED]

**OVER 18**

**OCCUPATION -**

**Investigator**

This statement, consisting of 1 page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

[ ] being unable to read the statement I,

of read it to him/her before he/she signed it.

**Signature:**

[REDACTED]

**Date: 4<sup>th</sup> September 2022**

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am an Investigator currently working with Trading Standards Services on an operation to tackle the supply of illegal tobacco products. I am a retired Police Detective.

On 4<sup>th</sup> September 2022 I entered a shop called Maria and Phillips, 7 Stockport Road, Hyde, SK14 1RH. I entered the shop and spoke with a male person who went behind the counter once I had entered. I would describe him as being white, approximately 60-65 years old, of stocky build with short grey hair and unshaven. I asked him if he had any cheap cigarettes. He said he had Richmond at £5 a packet. He then leant under the counter and handed me a packet of Richmond cigarettes.

I paid him £10, which he placed in the till and gave me my change. I put the cigarettes in my pocket and left the premises.

At a safe location, I placed the packet of Richmond cigarettes into an evidence bag, marked M27674146. I produce the purchased tobacco product in evidence as exhibit KJG/Maria+Phillips/4/9/22.

[REDACTED]

**Signature:**

[REDACTED]

**Signature witnessed by:**

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB20**

**Description:**

**Photo of cigarettes from test purchase  
on 4.9.22**

**I have examined the attached exhibit referred to in my  
statement and can confirm that it is a true and accurate copy  
of the original'**

**Signed:**

*N. BMS*

**Date of Statement:**

**22.11.22**





**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB21**

**Description:**

**Photo of Richmond cigarettes seized  
on 13.10.22**

**I have examined the attached exhibit referred to in my  
statement and can confirm that it is a true and accurate copy  
of the original'**

**Signed:**

*N. BMS*

**Date of Statement:**

**22.11.22**





**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB22**

**Description:**

**Photo of Marlboro cigarettes seized on  
13.10.22**

**I have examined the attached exhibit referred to in my  
statement and can confirm that it is a true and accurate copy  
of the original'**

**Signed:**

*N. Buis*

**Date of Statement:**

**22.11.22**

FILTER CIGARETTES

**Marlboro**

FLAVOR MIX

**Rauchen fügt Ihnen  
und den Menschen in  
Ihrer Umgebung  
erheblichen Schaden zu**

**Tameside Metropolitan Borough Council**

**-V-**

**Defendant**

**Exhibit Marked:**

**MP/NB23**

**Description:**

**Photo of Gold Leaf cigarettes seized  
on 13.10.22**

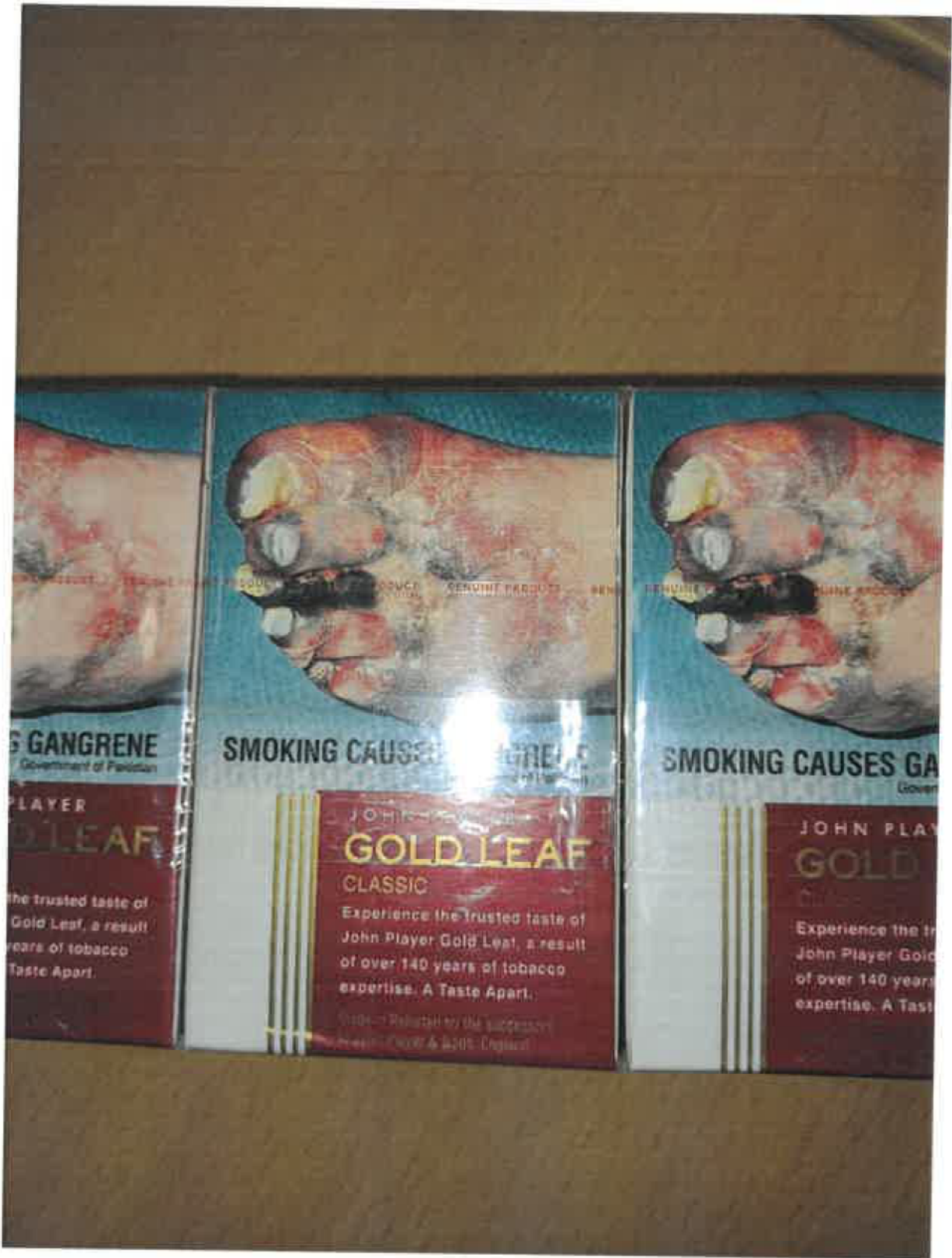
**I have examined the attached exhibit referred to in my  
statement and can confirm that it is a true and accurate copy  
of the original'**

**Signed:**

*N. Buis*

**Date of Statement:**

**22.11.22**





MP/NB23 Serzed 13/10/22



**Tameside Metropolitan Borough Council**

**-v-**

**Defendant**

**Exhibit Marked:**

**MP/NB24**

**Description:**

**Visit record -13.10.22**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. BWS*

**Date of Statement:**

**22.11.22**

**Report on a Business Compliance Visit**

Date 21/11/20 Business Ref 21100008 / LOCAL  
 Premise Name ...  
 Address ...  
 Postcode ... Tel: ... Email: ...  
 Website: ...

Person Seen: ... Signature [Redacted]  
 Position: ...

Officers Name ... Tel: 0161-342 3630  
 Officer signature: ... Email ...@tameside.gov.uk

**DETAILS OF VISIT**

...  
...  
...  
...  
...  
...  
...  
...  
...  
...

<input type="checkbox"/> Bulk	<input type="checkbox"/> Programmed Inspection	<input type="checkbox"/> Satisfactory
<input type="checkbox"/> Manufacturer	<input type="checkbox"/> Random	<input type="checkbox"/> Unsatisfactory
<input type="checkbox"/> Packer	<input type="checkbox"/> Complaint	Revisit YES/NO
<input type="checkbox"/> Importer	<input type="checkbox"/> Sampling	Other Action YES/No
<input type="checkbox"/> Retailer	<input type="checkbox"/> Survey	Samples Taken YES/NO
<input type="checkbox"/> Wholesaler	<input type="checkbox"/> Request	No .....

If you require clarification on any matter, please contact the officer on details above.

Food Safety Act 1990 / Feeding Stuffs Regulations 2005

- |                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>PRODUCT DESIGN</b></p> <input type="checkbox"/> Master Manufacturing Instructions<br><input type="checkbox"/> Recipes<br><input type="checkbox"/> Ingredients<br><input type="checkbox"/> Allergens                                                                                                                                                            | <p><b>STORAGE &amp; DISTRIBUTION</b></p> <input type="checkbox"/> Storage & Distribution<br><input type="checkbox"/> Segregation<br><input type="checkbox"/> Stock Rotation                                                                                                                                                      | <p><b>RAW MATERIALS</b></p> <input type="checkbox"/> Specifications<br><input type="checkbox"/> Documentation<br><input type="checkbox"/> Storage & Rotation<br><input type="checkbox"/> Materials in Contact with Food         |
| <p><b>PRODUCTION PROCESS</b></p> <input type="checkbox"/> Plant Machinery<br><input type="checkbox"/> Process & Processing Methods<br><input type="checkbox"/> Operating Instructions & Training<br><input type="checkbox"/> Semi-Finished Products<br><input type="checkbox"/> Automated process Control Checks<br><input type="checkbox"/> Records of Above Checks | <p><b>QUALITY SYSTEMS</b></p> <input type="checkbox"/> Sampling Procedures<br><input type="checkbox"/> Analytical Procedures<br><input type="checkbox"/> Acceptance/Rejection Systems<br><input type="checkbox"/> Consumer Complaints Procedure<br><input type="checkbox"/> Recall Procedure<br><input type="checkbox"/> Records | <p><b>COMPLETED PRODUCT</b></p> <input type="checkbox"/> Specification<br><input type="checkbox"/> Composition & Quality<br><input type="checkbox"/> Packaging Materials<br><input type="checkbox"/> Presentation & Advertising |
|                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                  | <p><b>PRODUCT LABELLING</b></p> <input type="checkbox"/> Labels, QUID, GM, Nutrition, Health<br><input type="checkbox"/> Labels, Allergens<br><input type="checkbox"/> Date Marking<br><input type="checkbox"/> Advertising     |

**Tameside Metropolitan Borough Council**

**-v-**

**Defendant**

**Exhibit Marked:**

**MP/NB25**

**Description:**

**Seizure record -13.10.22**

**I have examined the attached exhibit referred to in my statement and can confirm that it is a true and accurate copy of the original'**

**Signed:**

*N. Buis*

**Date of Statement:**

**22.11.22**

This matter is being dealt with by: *N. B. Lewis*

Reference:

Tel: *0161 342 3670*

Email: *Nicola.BLewis@tameside.gov.uk*

**Consumer Rights Act 2015**

**Receipt for goods or documents seized under Schedule 5**

Name and address of person from whom goods/documents seized:-

*Philip + Marie  
7 Stockport Rd Hyde.*

Details of goods or documents seized (Specify quantity):-

*8 x 20 Richmond  
19 x 20 Marlboro  
10 x 20 Gold Leaf  
1 x 20 B&H open packet - Lobby  
Empty box of Amber Leaf - Sitting Room  
66 x Elix 3500 Vapes (in shop)*

Reason for seizure:-

*illicit tobacco / illegal vapes  
N. B. Lewis*

Signature of Authorised Officer ..... Date *13/10/2022*

For and on Behalf of Tameside Metropolitan Borough Council

RESTRICTED WHEN COMPLETE

URN

**GREATER MANCHESTER POLICE**  
**WITNESS STATEMENT**

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

Statement of	Craig Foley	
Age if under 18		If over 18, insert 'over 18'
Occupation	Police Constable	
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 anything in it, which I know to be false, or do not believe to be true.		
Signature	PC 13850 Foley	(Witness)
Date	14/03/2023	
Tick if victim wishes to personally read their Victim Personal Statement aloud in Court	<input type="checkbox"/>	
Tick if witness evidence is visually recorded (supply witness details on last page)	<input type="checkbox"/>	

**WITNESS STATEMENT**

I am Police Constable 13850 Craig Foley of the Greater Manchester Police stationed at Ashton-under-Lyne Police Station. My current role is that of Licensing Officer, Prevention Hub Team for the Tameside District.

I have delegation of authority on behalf of the Chief Officer of Police for all applications made in respect of the Licencing Act 2003.

I am aware that this statement will be used as part of an application for a review of the licensed premises Maria and Phillips, 7 Stockport Road, Hyde, SK14 1RH.

I came in this current role in May 2022 and I was made aware of the issue around illicit tobacco and illigal vapes. This is a nationwide problem and since I took up post I have witnesses the increaing issue in the shops within the Tameside District.

On 9th November 2021 my predecessor PC Martin Thorley (Retired) sent an email to Nicola Briers from Tameside Trading Standards on behalf of Greater Manchester Police stating that the Maria & Phillips was selling high strength vapes to school children. This information was taken from the police computer systems.

On 17th February 2022 Tameside MBC visited the premises with officers from Greater Manchester Police as part of 'Operation Avro'. One packet of Amber leaf hand rolling tobacco was found in the pocket of a jacket hung behind the counter.

On 13th October 2022 Maria & Phillips was visited with officers from Trading Standards, Greater Manchester Police and a tobacco detection dog. During the visit the entry warrant was executed for the flat above the shop and 37 packets of illicit tobacco were found and seized. These were of various brands,

8 packets of Richmond Super King,

19 packets of Marlboro,

10 packets of Gold Leaf.

The cigarettes were not in the required standardised packaging and some did not have the required warning statements in English.

During the visit 66 x 'Elux 3500' disposable e-cigarettes were also seized.

On the 13<sup>th</sup> of October the female who resides above the shop appeared to be taking her time coming out of the bedroom area which was very suspicious. Whe she eventually came out of the the bedroom the tobacco detection dog located 37 packets of illicit tobacco hidden under the females clothing in the wardrobe.

The importation of illicit tobacco and vapes in to the uk has strong links to the organised crime groups. The annual expected cost to the uk government is around 37 billion each year.

Greater Manchester Police set up Operation Vulcan in 2022. This has been set up combat those involved in the sale of counterfeit products. The link between counterfeit goods are contributing factors to serious and organised crime in Manchester. The sale of these goods leave devistating effects on the local community and legitimate businesses in the surrounding areas.

Given all the above and she vast amount of work done by Nicola Briers and the trading standards team around supplying the shop and it's workers with the knowledge and information on illicit tobacco and vapes. I can only assume that all the staff

**WITNESS STATEMENT**

are complicit in the sale of these illegal products and I can only recommend a revokation of the premise licence. I have no confidence in the current owners and workers in promoting any of the licensning objectives and in particular around crime and disorder in which they total disgreegard for.

To the best of my knowledge and belief there is no reasonable ground for believing that the information produced above, from various Police computer systems, and included in this statement is inaccurate because of improper use of the computers and to the best of my knowledge and belief at all material times the computers were operating properly, or if not, any respect in which they were not operating properly or were out of operation was not such as to effect the production of information or its accuracy.

Signature	PC 13850 Foley
Signature witnessed by	

**Representation Re Application for a Review of Premises Licence**

From:	The Licensing Section, Tameside Metropolitan Borough Council
To:	The Licensing Section, Tameside Metropolitan Borough Council
Date:	14 March 2023
Premises:	Maria and Phillip, 7 Stockport Road, Hyde, SK14 1RH
Date of Application:	14 February 2023

The Licensing Authority, in its capacity as a 'Responsible Authority' under the provisions of the Licensing Act 2003, hereby give notice of our representation to the application for a review of a premises licence in respect of the above premises.

The reason(s) for the representation are as follows:

I wish to make representation in relation to this application due to concerns that the premises seriously undermine the Licensing Objectives:

Public Safety  
Protection of Children from Harm  
Prevention of Crime and Disorder

Erika Demeterova has held the Premises Licence (PL0197) at 7 Stockport Road, Hyde since 14 April 2020. During this period, despite numerous attempts by Licensing and Trading Standards Officers to work with the Premises Licence Holder and DPS there is a clear pattern of non-compliance with relevant legislation.

On 28 June 2021, Tameside Trading Standards received a complaint stating that the premises was selling illicit tobacco, selling tobacco to children and selling single cigarettes. Ms Briers, Trading Standards Officer, conducted a visit, where six pouches of foreign-labelled Amber Leaf hand rolling tobacco found in the back storeroom were seized. The Licensing Department were informed of this seizure following the visit to the premises.

On 13 July 2021, I conducted a visit to the premises where I spoke with Mr Andrew Bridge, store assistant. Mr Bridge informed me that he did not know of a Mr Thomas Joy (Designated Premises Supervisor at the time of the visit). I advised Mr Bridge to stop the sale of alcohol and that a Vary of DPS application should be submitted.

Mr Bridge informed me that 'Shaun' was the owner of the business, the husband of Ms Erika Demeterova (PLH). Following this visit, I was contacted by Mr Zishan Shaikh 'Shaun' to discuss my earlier visit to the premises. Mr Shaikh informed me that Mr Joy is involved and does work at the premises regularly. I arranged a meeting with the Premises Licence Holder, Mr Shaikh and the Designated Premises Supervisor on 16 July 2021 to discuss and confirm Mr Joy's involvement at the premises.

During this visit, I discussed the seizure of foreign-labelled tobacco, the range of issues identified by Trading Standards and the lack of faith I had in the Premises Licence Holder to operate the business in a way which promotes the licensing objectives in addition to the lack of involvement of the DPS in the business. I informed them of the option of submitting a minor variation application to add conditions to the premises licence in order for them to better promote the licensing objectives. I provided a list of conditions I felt appropriate to promote of licensing objectives for them to discuss.

Following this visit, Mr Shaikh informed me that himself, Erica and Thomas were happy to submit the minor variation application but later contacted me to inform me he did not understand the minor variation and the reason for this application.

On 14 February 2022, a test purchase operation was carried out at the premises where a packet of Richmond Superking were purchased, these cigarettes were found to not be packaged in the

required packaging. Following this Trading Standards conducted a visit to the premises and seized a packet of Amber Leaf hand rolling tobacco.

Nicola Briers contacted the Premises Licence Holder and DPS via letter on 27 June 2022 informing them of the number of issues found at the premises and requesting them to attend a meeting with Ms Briers and myself to discuss an amendment to the Premises Licence conditions to promote the Licensing Objectives.

This meeting had to be rescheduled on a number of occasions over a two month period due to the Premises Licence Holder not being in the country. A final meeting was arranged on 30 August 2022 where Thomas Joy attended the Council Offices where Mr Joy informed myself and Ms Briers that he did not want to be the DPS and that Mr Shaikh was wanting to be the DPS of the premises.

On 13 September 2022, Mr Zishan Shaikh submitted a Personal Alcohol Licence application to the Licensing Authority. This application was granted.

A further visit was conducted at the premises on 13 October 2022 with a tobacco detection dog, during this visit I discussed with Mr Shaikh how to obtain a Personal Alcohol Licence, in addition to how to vary the DPS at the premises.

On 14 February 2023, Ms Briers, Trading Standards Officer, submitted a Premises Licence review application. Ms Briers contacted Mr Joy to inform him of this application, during this phone call Mr Joy stated that Mr Shaikh had informed him that he was no longer the DPS.

Ms Briers and I conducted a visit to the premises that same day to meet with Mr Joy who confirmed that he presumed Mr Shaikh was the DPS however he would remain the DPS due to his current involvement in the premises.

On 15 February 2023, Ms Demeterova submitted an application to vary the DPS, specifying Mr Zishan Shaikh as the Designated Premises Supervisor.

The operators of the business including Ms Demeterova and Mr Shaikh have shown a clear reoccurring ignorance of the advice given by Licensing and Trading Standards and relevant legislation. The PLH and DPS have shown a clear lack of understanding of the Licensing Act 2003.

The Premises Licence Holder and DPS are regularly out of the country and this is an increasing concern as to how they can effectively manage the premises whilst spending extended periods away from the business.

Ms Demeterova and Mr Shaikh have displayed a complete disregard of the Licensing Objectives, the Licensing Authority have lost all confidence in Mr Shaikh and Ms Demeterova to promote these Licensing Objectives. Therefore, given the circumstances, I believe it is reasonable and proportionate to recommend revocation of the Premises Licence.

A copy of this representation has been sent to the applicant.

Signed: R.Birch

Name: Rebecca Birch  
Regulatory Compliance Officer