

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: Tim Watson

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.

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 Products Regulations 2015.

Tameside MBC Trading Standards Department, in its capacity as a responsible authority, wish to apply for the review of the premises licence of Best One, Canterbury Street, Ashton-under-Lyne, under S51 of the Licensing Act 2003.

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 4th June 2021 the department received a report from a resident of Ashton-under-Lyne, via the Citizens Advice Consumer Service, alleging that the premises was

This statement, consisting of 8 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 16th May 2022

Signed 

Continuation of witness statement of:

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

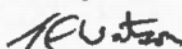
selling "counterfeit cigarettes and tobacco under the counter". The report specifically alleged that packs of 'Richmond' and 'Mayfair' were being sold for £5.50. I produce a copy of the complaint record as exhibit TW/01.

2. Following receipt of this intelligence a decision was taken in the department 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 22nd June 2021. During this operation the test purchaser made a successful purchase of Benson and Hedges Gold cigarettes for £5.50. On examination of this product it was found to be in breach of the Tobacco and Related Products Regulations 2016 as it did not have the required warning statements in English. I produce a photograph of the seizure as exhibit TW/02.
3. I arranged a joint unannounced inspection of the premises with Sharon Campbell from Tameside MBC licensing department and PC Martin Thorley, Delegated District Licensing Officer for Tameside on 21st July 2021. On entering the premises there were a number of staff present, including someone who presented himself as the owner and licensee Iqbal Shamraiz. A full search of the premises was conducted, during which a key was requested and obtained for a locked filing cabinet behind the counter. A packet of 'Golden Virginia' hand rolling tobacco (50 g) and a pack of 20 'Rothmans' cigarettes were found inside one of the drawers and on examination of these items they were found not to have the required warning statements in English or be packaged in the required standardised packaging in accordance with the Standardised Packaging of Tobacco Products Regulations 2015. I produce a photograph of the seizure as exhibit TW/03.

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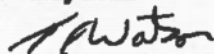
(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

4. On 15th September 2021 I sent a warning letter to Mr Shamraiz advising him of the offences for the sale of illicit/counterfeit tobacco and requesting that he sign and return an enclosed form authorising Tameside MBC to retain the items for disposal. I produce a copy of this letter as exhibit TW/04. In response to this letter I received an email from the email address [REDACTED] containing a photograph of the form signed (signature accompanied by 'Shamraiz' in capital letters) and dated 18/09/21. I produce a copy of this photograph as exhibit TW/05. It was decided to take no further enforcement action on this occasion.
5. On 9th December 2021 I received information from Sharon Campbell from Tameside MBC Licensing that she had received an anonymous complaint that illicit tobacco was being stored and sold from vehicles outside the premises.
6. On 4th January 2022 the authority received anonymous intelligence via the 'Keep it Out' illegal tobacco reporting website that illegal cigarettes and hand rolling tobacco had been observed being sold from the premises on 24th December 2021. The complainant gave the name 'Shamraiz Hussain' for the person selling it. I produce a copy of this report as exhibit TW/06.
7. In light of the ongoing intelligence relating to the premises it was decided to add it to the list of premises to be visited during a test purchase operation carried out in conjunction with a test purchaser working on behalf of the Red Snapper Group on 13th February 2022. During this operation the test purchaser made a successful purchase of Richmond King Size cigarettes for £5.50 and he stated that the cigarettes were obtained by the person in the shop from a storage cabinet underneath a coffee machine, located to the right of the entrance to the shop. This

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pack of cigarettes was found not be packaged in the required standardised packaging. The price paid for the cigarettes was also cheaper than the standard market price of £9.75. I produce a photograph of the seizure as TW/07.

8. On 14th February 2022 the department received information by email from PC Daniel Wilson of Greater Manchester Police as follows:

"The staff at the Best One Canterbury stores, Ashton under Lyne are selling fake cigarettes, tobacco and drinks

The shop is on the corner of Union Road and Canterbury Street.

The staff members are described as Asian males. The staff change regularly."

PC Wilson also stated in his email that GMP had received similar intelligence on 13/09/20. I produce a copy of this email as exhibit TW/08.

9. On 17th February 2022 Tameside MBC visited the premises with officers from Greater Manchester Police as part of 'Operation Avro'. The person working in the shop at the time of the visit was confirmed by GMP as being N [REDACTED] M [REDACTED] and whilst carrying out a full search of the premises a key was obtained from Mr M [REDACTED] for a storage cabinet underneath a coffee machine. The following items were found and seized:

200 x Richmond King Size cigarettes

400 x Business Royals cigarettes

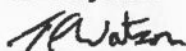
200 x Mayfair Kingsize cigarettes

9 x 50 g Amber leaf hand rolling tobacco

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The above cigarettes were found not to have the required warning statements in English and were not packaged in the required standardised packaging. I produce a photocopy of the seizure receipt as exhibit TW/09.

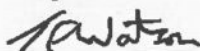
During the visit 90 x 'Elux 3500' disposable e-cigarettes were also seized. These products did not meet the requirements of the Tobacco and Related Products Regulations 2016 in relation to their tank size and they had not been published on the register of compliant products by the Medicines and Healthcare products Regulatory Agency (MHRA), which is also a requirement of the regulations. Under the regulations no person may supply any products that do 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. In December 2021 Tameside MBC Trading Standards wrote to all known businesses in the borough supplying or likely to be supplying these products, including this premises, 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. I produce a photocopy of the seizure receipt as exhibit TW/10.

All items seized have been handled in accordance with Tameside MBC's evidence handling procedures and were bagged and tagged at the time of seizure and subsequently logged and stored in the authority's locked evidence store [REDACTED]

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██████████ where they remain. Receipts for the seizures were also provided to the business.

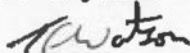
The legal requirements in the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015 (as I outlined in the application form) have been designed to reduce the appeal of tobacco products (particularly to young people) and to ensure that required health warnings are as prominent as possible. It is my view that the seizures made from this premises, combined with the ongoing intelligence received by Tameside MBC Trading Standards, highlight 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.

As outlined on the application form I believe that the premises 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 the application I referred 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

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premises has foreign labelling and is therefore clearly not intended for the UK market. 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 the 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.

It is also my view that the possession and evidence of supply of this illicit tobacco poses a risk to the safety of consumers purchasing the products. This view is based 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.

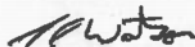
-The illicit nature of the tobacco products seized/purchased means that the source of supply to the business is unable to be verified and therefore it is reasonable to suspect that the products may have been manufactured specifically for the illegal market. Therefore, it is unknown whether the products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

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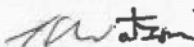
to not complying with a mandatory safety standard (EN 16156) for cigarettes that requires them to be self-extinguishing if left unattended or not inhaled from after a set period of time. This standard came into force in November 2011 as a result of a high number of house fires being attributed to smoking. 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 17th 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.

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EV1ST2

Issue 3

COMPLAINT DETAILS WORKSHEET

Complaint Ref: 21/00583/CMPP
 Date Complaint Received: 04.06.2021
 Complaint Type: CMPP

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

<u>Subject of Complaint</u>	<u>Details of Complaint</u>
<p>Name: Canterbury Superstore Address: Canterbury Arms 39 Canterbury Street Ashton-Under-Lyne Tameside OL6 6HX</p>	<p>shop - counterfeit good/out of date/stolen goods</p>

<u>Complainant</u>	<u>Complainant Details</u>
<p>Name: Address:</p>	<p>DAY EMAIL</p>

Date	Visit Type / Officer	Notes	
09/06/21	Email	OUTCOME: - ADVICE: No response required at Cs request - PARTNER INFORMED = tameside	
Actions			
Due Date	Act. Date	Action Type	Officer

Date	Visit Type / Officer	Notes	
04/06/21	Email	OUTCOME: - ADVICE: Survey: NA Mode of Purchase: 0 (GBP) Contact Channel: I02 - PARTNER INFORMED = tameside	
Actions			
Due Date	Act. Date	Action Type	Officer

Date	Visit Type / Officer	Notes	
04/06/21	Email	OUTCOME: - ADVICE: Good evening, I dont need a response but somebody does need to have a look at the best one shop in ashton under lyne on Cantabury street. This place sells items that can be up to two years out of date, you constantly have to check dates. They buy and sell stolen goods from drug addicts, this will be clear on cctv. They also sell counterfeit cigarettes and tobacco under the counter, these are being sold to anybody! including kids. They sell £5.50 packs of Richmond and Mayfair, this has been the case for a while now but nothing is done. Enquiry: They brush it off as though its alright and still continue - PARTNER INFORMED = tameside	
Actions			
Due Date	Act. Date	Action Type	Officer

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

EXHIBIT TW/01

Roken vergroot de kans op blindheid

Stop nu! Kijk op www.ikstopnu.nl
Of bel de stoplijn 0800-1995 (gratis)

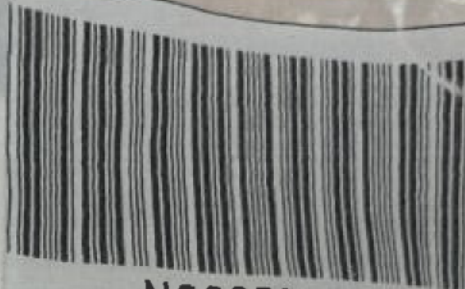
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SENSOR & HEDG

GOLD

TO EXPOSE GLUE AND PRESS ORANGE TAPE DOWN



NS0052150

EVIDENCE BAG

Company/Force	(Continuity)	(Continuity)
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Court Exhibit No.	Signed	Signed
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Property Ref. No.	Name/Rank/No. (Block Letters)	Name/Rank/No. (Block Letters)
Description	Signed	Signed
	Date	Date
	Name/Rank/No. (Block Letters)	Name/Rank/No. (Block Letters)
Time/Date Seized/Produced	Signed	Signed
Where Seized/Produced	Date	Date
Seized/Produced by	Name/Rank/No. (Block Letters)	Name/Rank/No. (Block Letters)
Signed	Signed	Signed
	Date	Date
Incident/Crime No.	Name/Rank/No. (Block Letters)	Name/Rank/No. (Block Letters)
Major Incident Exhibit No.	Signed	Signed
Laboratory Ref.	Date	Date

BAG OPENED BY _____
SIGNATURE _____ TIME _____ DATE _____
REASON _____

WITNESSED BY _____
SIGNATURE _____ TIME _____ DATE _____
REASON _____

ADDITIONAL INFORMATION

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EXHIBIT TW/02

TO CLOSE, PEEL OFF BLUE TAPE TO EXPOSE GLUE AND PRESS ORANGE TAPE DOWN FIRMLY.



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EVIDENCE BAG

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Seized Items

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Authority _____	(Continuity)	(Continuity)
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Court Exhibit No. _____	Signed _____	Signed _____
R-V _____	Date _____	Date _____
Property Ref. No. _____	Name/Rank/No. (Block Letters) _____	Name/Rank/No. (Block Letters) _____
Description SOLDIER V. VIRGINIA ROG ROTHMAN'S BROT OF 20	Signed _____	Signed _____
Time/Date Seized/Produced 21/07/21 16:00	Date _____	Date _____
Where Seized/Produced BUTCHER, ANTWERP ST P. HON. WILSON-LYNE P. HON. BEHIND COUNTRY	Name/Rank/No. (Block Letters) _____	Name/Rank/No. (Block Letters) _____
Seized/Produced by T. A. WATSON	Signed _____	Signed _____
Signed T. Watson	Date _____	Date _____
Incident/Crime No. _____	Name/Rank/No. (Block Letters) _____	Name/Rank/No. (Block Letters) _____
Major incident Exhibit No. _____	Signed _____	Signed _____
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REASON _____		

WRITE IN BALL PEN IN BOXES PROVIDED.

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16/04/22

EXHIBIT TW/03