

## 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, The Children and Young Persons Act 1933 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 a premises licence under S51 of the Licensing Act 2003 for Jits Super Shop.

From November 2017 until November 2018 the department received three complaints that the premises was selling both cigarettes and alcohol to underage children. One of these complaints was from Greater Manchester Police that they had received a report from the

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Dated the 17<sup>th</sup> December 2020

Signed N Briers

EV1ST2

**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)

head master of Westhill School that the shop was selling both cigarettes and alcohol to students. I exhibit the complaints as JITS/NB1, JITSNB/2 and JITS/NB/3.

I visited the premises on 19th September 2018, the licence holder Mr Panchani was not present at the time however, I advised him of the intelligence received by telephone. He stated that the problem was due to adults coming into the premises and buying alcohol and cigarettes for underage children. I advised Mr Panchani to purchase proxy notices to warn adults about this practice and display them in the premises. At the time of the visit, the person working at the premises was unable to produce the refusals book for inspection. During this visit I also found 13 cases of Litalaino wine and 3 cases of Corle Reale in cellar which I believed to be non-duty paid wine and requested the purchasing invoices for this wine from Mr Panchani.

A meeting was arranged with Mr Panchani on 13th February 2019 at the council officers with myself and Mike Robinson Regulatory Services Manager (Licensing) as we had the following concerns about the premises:

- Purchasing policy of alcohol for sale in the shop
- sale of alcohol and tobacco to underage children
- At our last visit to the premises on 15th January 2019 the person working in the shop (Katie Ellis) whilst pleasant with Tameside Officers became verbally abusive towards the police officer who was assisting us with our visits.

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Signed N. Bruns

**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)

At this meeting it was suggested that an amendment to the premises licence conditions were required. These reasonable and proportionate conditions were agreed with Mr Panchani as an alternative approach rather than carrying out a licence review. During this meeting the change in conditions were explained in full to and agreed by Mr Panchani. He was also provided with a copy of the amended conditions to take away with him.

An intelligence report was received on the 5<sup>th</sup> June 2019 via the intelligence database ref I194085 stating that the premises is selling cigarettes to the lads at Westhill school and other kids around the area.

On the 18<sup>th</sup> October 2019 I was sent an email from Tony Lawton, School Partnership Officer with Greater Manchester Police via Martin Thorley stating that both Westhill School and Copley High School had expressed their concerns regarding the premises selling single cigarettes to school children. I exhibit the email as JITS/NB/4

A further intelligence report was received on 21<sup>st</sup> November 2019 ref I143212 stating that the premises was selling alcohol and tobacco to underage children.

On 6<sup>th</sup> June 2020, I received an email from Mike Robinson stating that PC Tony Lawton had witnessed a number of children outside the premises. On stopping the group of children, it was found that they had purchased alcohol from the premises. The children were taken back into the shop to return the alcohol and obtain a refund. PC Tony Lawton observed that the children clearly looked underage.

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Dated the 17<sup>th</sup> December 2020

Signed N. Buis

**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)

As a result of this I visited the premises with Brad Bryne Regulatory Compliance Officer on the 10th June 2020. We requested to see the CCTV for the incident but Mr Panchani was not at the premises and the person working there was unable to operate the CCTV system. This is in breach of their licence condition requiring a member of staff who is able to operate the CCTV be on the premises at all times. A proxy notice was now displayed on the premises and the refusals book was available for inspection but it had not been completed for a year.

A further visit was made on 16th June 2020 with Mr Panchani present where it was found that the CCTV system recorded for approx. 4 /5 days of footage and therefore we were unable to obtain CCTV footage of the underage sale incident. Again, this is in breach of the premises licence conditions requiring the CCTV to be stored for a minimum of 28 days. The refusals book was examined and recent entries were completed in the book. Guidance regarding the laws that restrict the sale of age restricted products and the steps that should be taken was given to Mr Panchani at the time of the visit. It is an offence under the Licensing Act 2003 to sell alcohol to anyone under the age of 18.

On 14<sup>th</sup> September 2020 I received a complaint that three girls aged 13 and 14 years old purchased Smirnoff vodka from the premises. I exhibit the complaint record as JITS/NB/5. I was unable to pursue this further as I did not have the date and time the alcohol was purchased to gather further evidence.

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Dated the 17<sup>th</sup> December 2020

Signed N. Bryne

**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)

On 19th October 2020, I received information that the TMBC CCTV unit had witnessed a schoolboy going into the premises and purchased what appeared to be a single cigarette. I collected the CCTV footage from the CCTV unit on 20th October 2020 and viewed it at the council offices with PC Martin Thorley, District Licensing Officer and Mike Robinson. I exhibit this CD containing the footage as JITS/NB/6. In this footage, I could see that a boy removed his school blazer and tie and went into the premises and came out with what appeared to be a single cigarette. PC Martin Thorley obtained the CCTV footage from within the premises, which I viewed, and it showed that the boy purchased two single cigarettes. PC Martin Thorley made enquiries with Copley High School who have identified the boy as a pupil of the school and under the legal age limit to purchase cigarettes. The sale of tobacco to person under the age of 18 is an offence under the Children and Young Persons Act 1933. The sale of a single cigarette is also an offence under the Standardised Packaging of Tobacco Product Regulations 2015.

On the 5th November 2020, the department was notified of a report from Westhill School that a pupil had been found to have firecrackers in his possession that were purchased from the premises. PC Martin Thorley visited the school and found that the items purchased were labelled as being an age-restricted product and should not be sold to anyone under the age of 18. These are in fact Class F1 fireworks – indoor fireworks. The Pyrotechnic Articles (Safety) Regulations 2015 prohibit the supply of category F1 fireworks to any person under 16.

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

On Saturday 21st November 2020 at approx. 14.42. Tracy Jones-Lacy a Trading Standards Officer for Tameside MBC witnessed a boy she believed to be underage smoking outside the premises. In response, she entered the premises and requested a copy of the CCTV for the last hour approx. 14.00 – 1500 hours. The person working at the shop informed the officer that he was unable to get the CCTV for her and the officer had to request the CCTV from Mr Panchani via the telephone. Mr Panchani has since emailed the officer on 21<sup>st</sup> November 2020 stating that to obtain the CCTV an officer must visit with a USB stick for the CCTV to be transferred directly from the hard drive.

In response to Mr Panchani's email, I emailed him on 24<sup>th</sup> November 2020 and advised that this was in breach of his licence conditions. His premises licence conditions state '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.' I also requested the CCTV footage from Wednesday 4<sup>th</sup> November 2020 between 8am – 08.45am. This is the approximate time that Martin Thorley was told that the boy purchased the firecrackers.

Mr Panchani placed the requested CCTV footage for the 4<sup>th</sup> November 2020 on a USB stick that I collected from the premises on the 25<sup>th</sup> November 2020. Mr Panchani sent the footage from the 21<sup>st</sup> November 2020 to me via several emails on the 24<sup>th</sup> November 2020.

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Signed N. Burns

**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)

I have since viewed the CCTV footage from 21<sup>st</sup> November 2020 and no underage sales are witnessed. I have been not been able to view all the CCTV footage on the USB stick provided by Mr Panchani due to software issues to ascertain if the sale of the fireworks took place.

Upon looking at the history for the premises on our database, it can be seen that on 12/06/2009, a test purchase exercise was carried out at the premises and the sale of alcohol and tobacco to the underage test purchaser took place. A further test purchasing exercise was carried out at the premises on the 10<sup>th</sup> June 2010 and no sale took place.

The department has also received intelligence regarding the premises selling illicit / counterfeit tobacco. The first complaint received was on 12<sup>th</sup> March 2015 which I exhibit as JITS/NB/6. We have also received two intelligence reports. The first report was received on 30<sup>th</sup> September 2019 ref I194708 stating that the premises were selling counterfeit Lambert and Butler Original Silver cigarettes. The second report was received on 21<sup>st</sup> October 2019 ref I270258 stating that the premises sold illicit tobacco. A visit was carried out to the premises in February 2019 and no illicit tobacco was found at the time of the visit.

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Signed N. Smy

EV1ST2

Issue 3

Complaint Ref: 17/00934/UAGSAL  
 Date Complaint Received: 07.11.2017  
 Complaint Type: UAGSAL

Date Jobsheet Printed:  
 Allocated to: TLL  
 Officer in Charge: Khush Ahmed  
 Disclosure Officer: Sharon Smith

<u>Subject of Complaint</u>	<u>Details of Complaint</u>
Name: Supershop Address: 21 Market Street Stalybridge Tameside SK15 2AL	Underage Cigarettes Sale.

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

Date	Action Taken Details	Associated Documents/ evidence	Officer Initials	Time
	<p><b>C would like to Report T.</b>  <b>C believes he is selling single cigarettes to underage people.</b>  <b>C seen her grandson coming out of the shop with a cigarette who is only 15.</b>  <b>C would like to report to TSS.</b></p> <p><b>ADVICE:</b>                      Thanked C for info.                      Report to TSS.</p> <p><b>ACTION:</b>                      Referral to T TSS- Underage Sales- No Commitment.                      C+T based in same Area. - PARTNER INFORMED = tameside</p>			



Complaint Ref: 18/00638/CMPP  
 Date Complaint Received: 13.09.2018  
 Complaint Type: CMPP

Date Jobsheet Printed:  
 Allocated to: NB  
 Officer in Charge: Khush Ahmed  
 Disclosure Officer: Sharon Smith

<u>Subject of Complaint</u>	<u>Details of Complaint</u>
Name: Supershop Address: 21 Market Street Stalybridge Tameside SK15 2AL	Underage Sales

<u>Complainant</u>	<u>Complainant Details</u>
Name: [Redacted] Address: [Redacted] SK15 2AL	DAY

Date	Action Taken Details	Associated Documents/ evidence	Officer Initials	Time
	: OUTCOME: - ADVICE: SUMMARY: C is Police Officer has had report from headmaster of local School to say T is selling alcohol and Cigarettes to underage, C stating shop has been tested by TSS before for underaged Sales, C would like TSS to contact so he can provide update to the local school.  ADVICE: Will report to TSS			

**COMPLAINT DETAILS WORKSHEET**

Complaint Ref: 18/00748/UAGSAL  
 Date Complaint Received: 29.10.2018  
 Complaint Type: UAGSAL

Date Jobsheet Printed:  
 Allocated to: NB  
 Officer in Charge: Khush Ahmed  
 Disclosure Officer: Sharon Smith

<u>Subject of Complaint</u>	<u>Details of Complaint</u>
<p>Name: Jits                      Address: 21 Market Street                      Stalybridge                      Tameside                      SK15 2AL</p>	<p>Underage Sales</p>

<u>Complainant</u>	<u>Complainant Details</u>
<p>Name: unknown Anoncae                      Address:</p>	

Date	Action Taken Details	Associated Documents/ evidence	Officer Initials	Time
	<p><b>OUTCOME: - ADVICE: SUMMARY:</b>                      C wants to report T for selling single cigarettes and alcohol to underage customers.                      T also buys in spirits and wines that are not for UK sale at a cheap price - no barcode or health info.  <b>ADVICE:</b>   <b>ACTION:</b>                      Refer - anon tipoff - PARTNER INFORMED = tameside</p>			

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

Complaint Recommended for Closure	Y/N ?	Closing Officer:
Complaint Founded	Y/N ?	Date Closed:

JITS/NB/4

**Nicola Briers**

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**From:** Martin.Thorley@gmp.pnn.police.uk  
**Sent:** 18 October 2019 09:29  
**To:** Carl Jones GCSX; Nicola Briers  
**Subject:** FW: INFO re shop

**Categories:** Green Category

FYI

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**From:** Antony Lawton  
**Sent:** 17 October 2019 13:14  
**To:** Martin Thorley; 'John Gregory'  
**Subject:** INFO re shop

Hello ,

James Whiting from West Hill school , and also Mr Dan O Brien from Copley has also passed us the same info as below – seems to be daily apparently.

INFO

a lad disclosed to us today that 'Jits' newsagents is still selling single cigarettes to children in school uniform. It's been going on for as long as I remember. Is there anything that can be done about it?

Regards

James

THANKS  
TONY

51TS1NB15

**COMPLAINT DETAILS WORKSHEET**

Complaint Ref: 20/00801/CMPP  
 Date Complaint Received: 14.09.2020  
 Complaint Type: CMPP

Date Jobsheet Printed:  
 Allocated to: NB  
 Officer in Charge: Khush Ahmed  
 Disclosure Officer: Sharon Smith

<u>Subject of Complaint</u>	<u>Details of Complaint</u>
Name: Jit's Super Shop Address: 21 Market Street Stalybridge Tameside SK15 2AL	Three teenage girls (13 & 14) were sold Smimoff vodka at this shop. After the girls were picked up at 6.30 in Stalybridge slurring and incoherent I investigated further to find more bottles of vodka empty. When confronted the three girls all said the alcohol was bought from Jits, its well known fact amongst kids in Bridge thats where you can get served and that this wasnt their first time.

<u>Complainant</u>	<u>Complainant Details</u>
Name: Address:	PHONE

Date	Action Taken Details	Associated Documents/ evidence	Officer Initials	Time

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

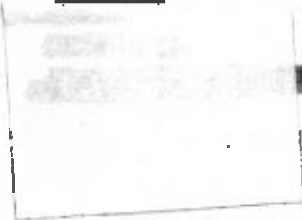
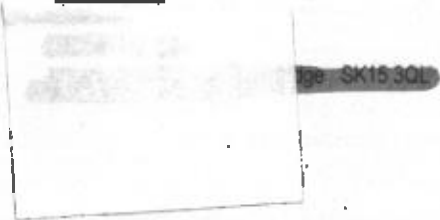

Complaint Recommended for Closure	Y/N ?	Closing Officer:
Complaint Founded	Y/N ?	Date Closed:

**COMPLAINT DETAILS WORKSHEET**

Complaint Ref: 15/00265/CMPP  
 Date Complaint Received: 12.03.2015  
 Complaint Type: CMPP

Date Jobsheet Printed:  
 Allocated to: TLL  
 Officer in Charge: Khush Ahmed  
 Disclosure Officer: Sharon Smith

<u>Subject of Complaint</u>	<u>Details of Complaint</u>
<p>Name: Supershop                      Address: 21 Market Street                      Stalybridge                      Tameside                      SK15 2AL</p>	<p>Info Only / Refer / SGA</p>

<u>Complainant</u>	<u>Complainant Details</u>
<p>Name:                       Address:  SK15 3QL</p>	<p>DAY </p>

Date	Action Taken Details	Associated Documents/ evidence	Officer Initials	Time
	<p>C went to a shop to buy some cigarettes.                      C said they are foreign.                      C said they taste weird.                      C does not feel as though they are the correct ones.                      Make - Lambutt and butler</p>			

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

Complaint Recommended for Closure	Y/N ?	Closing Officer:	
Complaint Founded	Y/N ?	Date Closed:	