



North Tyneside Council

Licensing Sub Committee

18 February 2022

Friday, 25 February 2022 0.02 Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00 am.**

Agenda Item

Page

1. **Appointment of Chair**

The Sub-committee to appoint a Chair for the meeting.

2. **Declarations of Interest**

Members of the Sub-committee are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda and the nature of that interest.

3. **Procedure for Licensing Act Hearings**

3 - 8

To note the procedure for hearing and determining an application for the grant of a new Premises Licence.

4. **Ali Baba, 51 Nile Street, North Shields, NE29 0BG**

9 - 126

To give consideration to an application for the grant of a new Premises Licence in respect of Ali Baba, 51/51A Nile Street, North Shields, NE29 0BG.

Circulation overleaf ...

Members of the public are entitled to attend this meeting and receive information about it. North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

Members of the Licensing Sub Committee

Councillor Janet Hunter
Councillor John O'Shea

Councillor Tommy Mulvenna

LICENSING ACT 2003

NORTH TYNESIDE COUNCIL

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

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

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

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

- The merits of the application
- The promotion of the four licensing objectives
- The Statement of Licensing Policy of North Tyneside Council
- The guidance issued under Section 182 of the Licensing Act 2003.

The Procedure of the Committee is as follows:

1. The Chair of the Committee will open the hearing and will ask all persons present at the hearing to identify themselves. The Chair will then explain the procedure to be followed at the hearing.
2. The Committee will then consider any request made by a party under regulation 8(2) of the Licensing Act 2003 (Hearings) Regulations 2005 for permission for a person to attend as a witness on his/her behalf.
3. The Licensing Officer will present a report to the Committee outlining the application, any relevant representations and the relevant sections of the Council's Statement of Licensing Policy and the statutory guidance.
4. The Committee may ask any relevant questions they have of the Licensing Officer.
5. The Applicant or their representative will then be invited to address the Committee to clarify any information arising from the officer's report, if necessary.
6. Each of the Responsible Authorities which have made representations will be invited to address the Committee about the application, to indicate why they consider the issues they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice (as applicable).

If a Responsible Authority has obtained prior permission to call a particular witness, then they may call that witness.

7. The Committee may ask any relevant questions they have of the Responsible Authorities.
8. Other Persons may ask any relevant questions they have of the Responsible Authorities.
9. The Applicant or their representative may ask any relevant questions they have of the Responsible Authorities.
10. Each of the Other Persons who have made representations will be invited to address the Committee about the application, indicating why they consider the issues they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice (as applicable).

If any Other Person has obtained prior permission to call a particular witness, then they may call that witness.

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

11. The Committee may ask any relevant questions they have of the Other Persons or their witness(es).
12. The Responsible Authorities may ask any relevant questions they have of the Other Persons or their witness(es).
13. The Applicant or their representative may ask any relevant questions of the Other Persons or their witness(es).
14. The Applicant or their representative will be invited to address the Committee, as to why they consider the issues raised by the Responsible Authorities and Other Persons to be irrelevant to the licensing objectives and why they consider the Committee should grant their application or notice (as applicable).

If the Applicant has obtained prior permission to call a particular witness, then they may call that witness.

15. The Committee may ask any relevant questions they have of the Applicant, their representative or their witness(es).
16. The Responsible Authorities may ask any relevant questions they have of the Applicant, their representatives or their witness(es).
17. Any of the Other Persons may ask any relevant questions they have of the Applicant, their representative or their witness(es).

18. The Chair of the Committee will invite each of the Responsible Authorities to make a brief closing statement. Each Responsible Authority should ideally take no longer than 10 minutes to make their closing statements
19. The Chair will invite each of the Other Persons to make a brief closing statement. Each of the Other Persons will be entitled to a maximum of 10 minutes in which to make their closing statements.
20. The Chair will invite the Applicant or their representative to make a brief closing statement. Each Applicant should ideally take no longer than 10 minutes to make their closing statements.
21. The Chair will ask all parties if they are satisfied that they have said all they wish to.
22. The Committee will retire in private to consider the application and make its determination. The Legal Adviser will be present to ensure that all matters of law, evidence and procedure are adhered to appropriately but will not take part in the decision.
23. In considering any representations or a notice made by any party, the Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as the case may be) either before the hearing or, with the consent of all the other parties, at the hearing.
24. The Committee shall disregard any information given by a party or by any person to whom permission to appear at the hearing is given by the Committee, which is not relevant to:
 - (i) their application, representations or a notice (as the case may be) or, in the case of another person, the application, representations or notice of the party requesting their attendance; and
 - (ii) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the prevention of crime and disorder licensing objective.

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

25. The Committee will return to announce its decision. A written notice of the decision will be provided to all parties in accordance with statutory requirements. The decision letter will include the reasons for the decision, and any conditions placed upon the licence (if granted) and the licensing objective(s) they relate to. The notification of decision will include information on a party's right to appeal against the Committee's decision.

General Matters

1. Expectations on parties

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

All parties will be expected to:

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

2. Agreement that a hearing is unnecessary

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

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

3. Failure of parties to attend

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

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

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

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

4. Questioning of parties

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

5. **Further clarification**

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

6. **Questioning by Legal Adviser**

The legal adviser to the Committee may ask questions on behalf of, or in addition to, the Committee members themselves.

7. **Hearsay evidence**

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

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

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

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

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

This page is intentionally left blank

REPORT

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

Date: 25th February 2022

Report by: Jeff Young
Licensing Officer
☎ 643 6903

**Contact
Officer(s):** Jeff Young
Licensing Officer
☎ 643 6903

**Title of
Report:** Licensing Act 2003

Ali Baba
51 – 51a Nile Street
North Shields
NE29 0BG

Ward(s): Riverside

1.0 Summary / Purpose of Report

1.1 Licensing Sub-Committee

The Licensing Act 2003 provides that, where representations have been received from a Responsible Authority or Other Persons in respect of an application for a Premises Licence a hearing must be held to consider them unless the parties and the Authority agree to dispense with a hearing. There has been no such agreement in relation to this application. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.

1.2 The Sub-Committee is asked to consider and determine the application from Matios Limited for a premises known as Ali Baba, 51 – 51a Nile Street, North Shields (“the Premises”).

1.3 A representative from the applicant company has been invited to attend the meeting in support of the application. All persons making relevant representations have also been invited to attend.

1.4 Representations from Responsible Authorities and Other Persons

The application has been forwarded to the Chief Officer of Police, Fire Authority, Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Director of Public Health, Weights and Measures Authority and the Local Safeguarding Children Board with a view to any of these Responsible Authorities inspecting the premises if deemed appropriate by them and to enable them to comment on the application.

1.5 The application has been advertised at the premises, in a local newspaper and on the Authority's Website as prescribed.

1.6 There have been no representations from other persons such as residents. Representations have however been received from Responsible Authorities which are attached to this report at **Appendix 5**.

1.7 Authority to make decisions

1.8 In relation to an application for the grant of a Premises Licence the Licensing Sub-Committee can, under the Licensing Act 2003:

- grant a Licence subject to conditions consistent with the operating schedule and appropriate for the promotion of the licensing objectives in addition to the mandatory conditions,
- exclude from the scope of the Licence any of the licensable activities to which the application relates,
- refuse to specify a person in the licence as premises supervisor
- or reject the application.

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

2.0 Application

2.1 This report relates to an application for a New Premise Licence in respect of Ali Baba 51 – 51a Nile Street, North Shields, NE29 0BG.

2.2 On 17th December 2021 during routine visits in the area, Licensing Officers visited the Premises because it was noted that the premises was operating as an "Off Licence" and exposing alcohol for sale. It was quickly established that the Premises did not have a Premises Licence and Officers therefore advised the shop owner that the alcohol must be removed from display. A subsequent visit on 20th December 2021 identified that the Premises continued to trade unlicensed. On 22nd December a test purchase was conducted when alcohol and other items were successfully purchased.

2.3 On 23rd December 2021 Police and Licensing Officers subsequently removed a substantial amount of alcohol from the premises along with other items.

2.4 A valid application for a premises licence was received by North Tyneside Council on 6th January 2022.

2.5 A copy of the application form is attached at **Appendix 1**, a plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**

3.0 The Application for the Grant of a Premises Licence under Section 17 of The Licensing Act 2003

3.1 The Application for Grant of the Premises Licence is made pursuant to Section 17 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 18 of the Act.

The application for a premise licence is as follows:

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

- Monday to Sunday 08:00 to 23:00

2. **General Opening Times:**

- Not specified

3.2 The Licence, if granted, will be subject to Mandatory Conditions which are attached at **Appendix 4** of the report.

4.0 Promotion of Licensing Objectives

4.1 The applicant company has included the following additional steps in the operating schedule which it intends to take in order to promote the licensing objectives.

These are set out within **Appendix 1** at **Section M** of the application form.

5.0 The Parties

5.1 The Parties to the hearing will be:

1. The Applicant Company – Matios Limited – Registered Office 18 Victoria Street, Gateshead, NE11 9AX
2. Responsible Authorities, namely – The Licensing Authority, Chief Officer of Police, Director of Public Health and the Weights and Measures Authority.

6.0 For consideration

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

- Application for the Grant of a Premises Licence in relation to Ali Baba 51 – 51a Nile Street North Shields, NE29 0BG.

7.0 The North Tyneside Council Statement of Licensing Policy

- 7.1** The Sub-Committee's attention is drawn to the relevant part of the Policy – Section 6.7 – Licences – Premises Licences and Section 10 – Licensing Objectives.

8.0 The Revised Guidance issued under Section 182 Licensing Act 2003

- 8.1** The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under S182 Licensing Act 2003 - Chapter 2 Licensing Objectives and to Chapter 8 Applications for premises licences, Chapter 9 Determining applications and Chapter 10 Conditions attached to premises licences and club premises certificates.

9.0 For Decision

- 9.1** The Sub-Committee is asked to determine the application in whatever way it sees fit taking into consideration Regulators' Code under the Legislative and Regulatory Reform Act 2006 and The Equality Act 2010.

10.0 Associated Papers

- 10.1** Appendix 1 – The application for the Grant of a Premises Licence
Appendix 2 – Plan of the Premises
Appendix 3 – Map
Appendix 4 – Mandatory Conditions
Appendix 5 – Relevant representations

11.0 Background Information

- 11.1** The following background papers have been used in the compilation of this Report and are available for inspection at the offices of the authors of the Report:
- 11.2** North Tyneside Council Statement of Licensing Policy
The Licensing Act 2003 and Regulations
Amended Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office
Delegation Scheme – Licensing Committee 7 February 2005

APPENDIX 1



North Tyneside Council

Application for a premises licence to be granted 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/We MATIOS LTD

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
51 Nile Street North Shields NE29 0BG			
Post town		Postcode	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | |
|--|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or



I am making the application pursuant to a

statutory function or



a function discharged by virtue of Her Majesty's prerogative



(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	MATIOS LTD
Address	
Registered number (where applicable)	13 60 97 62
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited Company

Please give a general description of the premises (please read guidance note 1)

It is a small shop on Nile Street
opposite the Post Office

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	08	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	08	23:00			
Wed	08	23:00			
Thur	08	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	08	23:00			
Sat	08	23:00			
Sun	08	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name		Sardar Dava	
Date of birth			
Address			
Postcode			
Personal licence number (if known)		I have applied for it through	
Issuing licensing authority (if known)		Coarshed Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations (please read guidance note 5)</u>
Day	Start	Finish	
Mon			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</u>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The general risk assessments or the hazards is likelihood of injury carried out initially and at regular intervals. We get staff training to ensure the business's trading standards guidelines are understood & no illegal sales are made. General awareness of customers and activity on and around the premises.

b) The prevention of crime and disorder

No alcohol to be kept on the premises at any time overnight, and we will display clear signs to stand this. We'll not sell any alcohol to underage, no supply of alcohol to under 18 years old (All staff training) Gigs standing this. No supply of alcohol to overly intoxicated people.

c) Public safety

~~Keep~~ Keep the premises clean and outside too. No glass or any alcohol be around premises or around it and keep the area tidy. Not allowed to consume any alcohol inside the shop or near the shop outside. We have ~~not~~ installed the CCTV system inside & outside the shop.

d) The prevention of public nuisance

No amplified music is providing, we keep the noise to the minimum at all the time. No supply of alcohol to very drunk people at anytime, also under 18 years old (The ID will be requested from customers) Additionally, zero tolerance of unruly, rude, abuse and messy behaviour.

e) The protection of children from harm

No alcohol will be given / selling to any child (under 18) at any time (Staff training). We also installed the CCTV which cover the premises inside and outside.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
--------------------	--

Signature	
Date	05/01/2022
Capacity	Owner

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

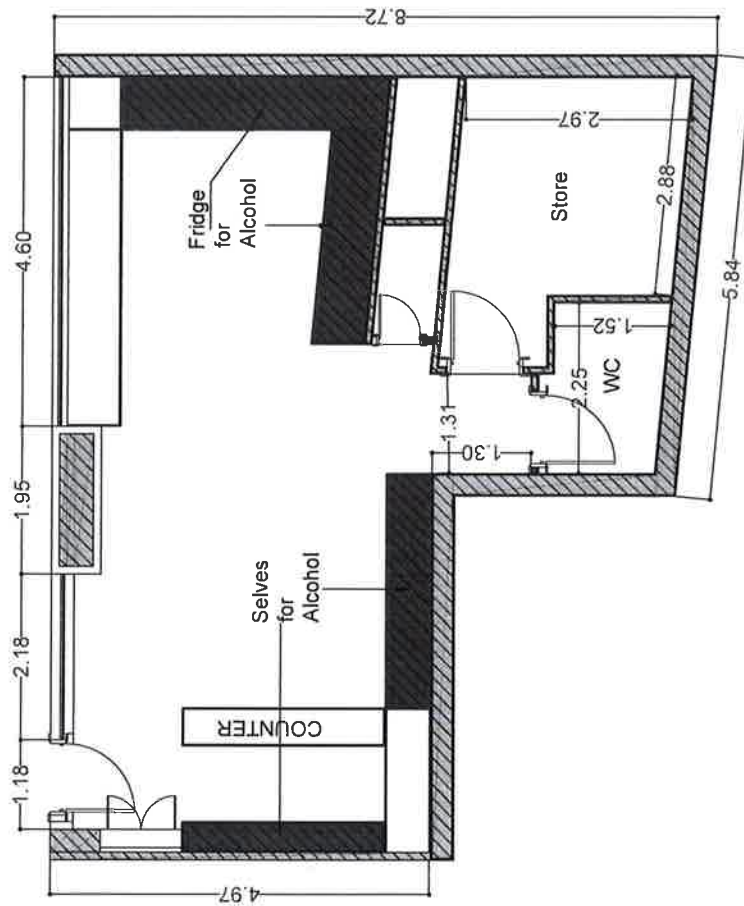
APPENDIX 2

51 NILE STREET, NORTH SHIELDS

ASTH TYNESIDE COUNCIL
LICENSING SECTION

6 JAN 2022

APPROVED



NOTES

- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences
- This drawing shall not be scaled to ascertain any dimensions. Work to figured dimensions only.
- This drawing shall not be reproduced without express written permission from HAY.
- Title overlay drawings and ownership boundaries are produced using all reasonable endeavors. HAY cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.
- All works are to be undertaken in accordance with Building Regulations and the latest British Standards.
- All proprietary materials and products are to be used strictly in accordance with the manufacturers recommendations.

This drawing contains the following model files: -

Client notified of duties: 12 DEC 2021

Principal Designer:

Unless noted below, all known hazards have been highlighted on the drawing.



PROJECT NOTES

1. Proposals or information contained on this drawing to be used for PERMITTING purposes and NOT for preparation of associated construction works.
2. Design information indicated on this drawing is to be used solely for COORDINATION purposes.
3. Development proposals are to be read in conjunction with all referenced drawings and documents.
4. Any proposed ground or floor slab levels are indicative and subject to change to suit Engineered design and/or determined by site conditions.

DRAWN BY: ALI SALIH

51 NILE STREET
NE 29 0BG

Project
PROPOSED DESIGN TO

Client
SARDAR DARA

Time
EXIST SHOP

EXISTING AND PROPOSED
Ground Floor

PROJECT NO.

P4

DRAWING REF.

WSP- 1

SCALE: 1:100@ A3

DATE

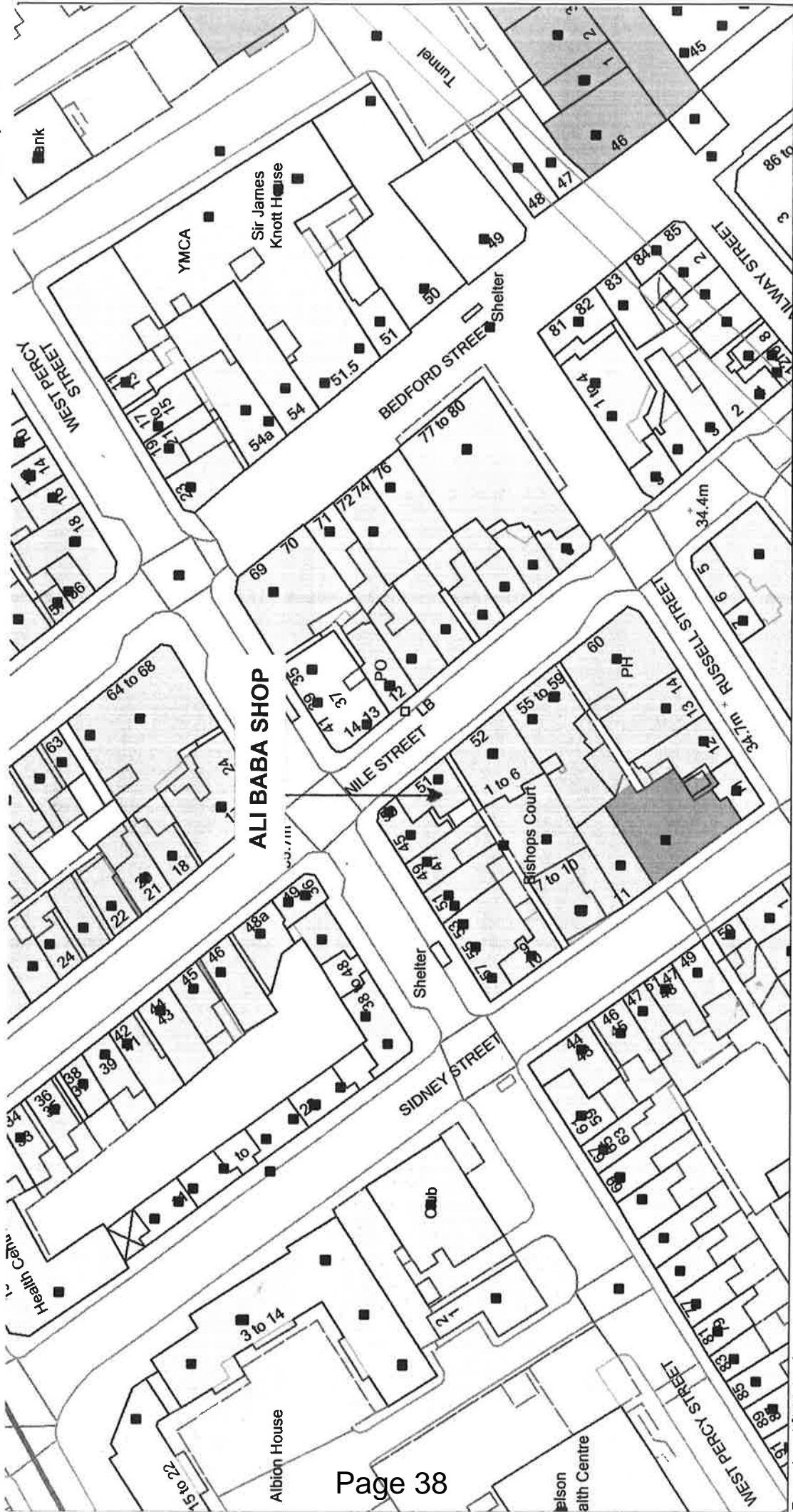
REVISION BY: ALI SALIH

Sheet No: 1

APPENDIX 3

Ali Baba

51 - 51a Nile Street



Reproduced from the Ordnance Survey material with the permission of
Ordnance Survey on behalf of the Controller of Her Majesty's
Stationary Office © Crown Copyright 2012. Unauthorised reproduction
infringes Crown Copyright and may lead to prosecution or civil
proceedings.
North Tyneside Council © Crown Copyright and database right 2012.
Ordnance Survey Licence Number 0100016801

Organisation	North Tyneside Council	Date	10 February 2022
Department	North Tyneside Council	SLA Number	100016801
Comments		Scale :	1:981

APPENDIX 4

Mandatory Conditions
Section 19 Licensing Act 2003
(Off Sales)

1. No supply of alcohol may be made under this premises licence:-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under this premises licence must be made or The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - with effect from 1st October 2010 as amended on 1st October 2014

1.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premise licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature. Authorised by a person who holds a personal licence.

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

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula—

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

where—

(i)

P is the permitted price,

(ii)

D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii)

V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c)

"relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i)

the holder of the premises licence,

(ii)

the designated premises supervisor (if any) in respect of such a licence, or

(iii)

the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d)

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

(e)

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

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

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

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

APPENDIX 5

RESPONSIBLE AUTHORITY REPRESENTATION



North Tyneside Council

Section 1 – Application Details

I wish to make a representation in regards of the following Application:

Ali Baba

Applicant's name (if known) :

Matios Ltd

Premises name and address:

51 Nile Street, North Shields, NE29 0BG

Application for a:-

Premise Licence

Section 2 – Details of the Responsible Authority making a representation

Name of Responsible Authority: Phil Scott on behalf of Licensing Authority

Tel No:

Address where you would like us to correspond with you:

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

Please note that a full copy of your representation will be sent to the applicant and will be a public document at any hearing of this matter.

Please state under which of the licensing objective(s) your representation is being made (eg. Prevention of Crime & Disorder, Prevention of Public Nuisance, Public Safety, the Protection of Children from Harm).

Prevention of Crime and Disorder

Public Safety

Section 3 – Objection Details

My representation is based on the following:

(You need to complete this box as fully as possible. If you do not then the Licensing Committee may not understand why you have made a representation).

You may attach supporting documents/further pages as necessary – Please number all extra pages and put your name on the top of each page.

Try to be as specific as possible and give examples (ensuring the representation relates to the licensing objective(s)).

I am the Director for Environment, Housing and Leisure in relation to Licensing matters. In this capacity I wish to raise this representation on behalf of the Licensing Authority, following the application for a premises licence submitted by Matios Ltd, due to the concerns expressed below.

Prior to the date of the premises licence application, the applicant had not applied for a licence and no licence was in force for the named premises under the Licensing Act 2003.

On 17 December 2021, Licensing Officers on routine visits to the North Shields area, entered the premises called Ali Baba in belief that it did not hold a Premises Licence Inside, officers found the shop to be stocked with a substantial amount of alcohol. With one staff member in attendance, Officers asked to speak to the owner of the premises on the telephone. Mr Sardar Dara identified himself as the owner. Mr Dara advised that an application to sell alcohol had been made and that he had been advised that sales could take place pending this approval. Officers advised that this was not the case and that all sales of alcohol must stop immediately until a granted Premises Licence was in force. Mr Dara confirmed he understood this. Officers requested the alcohol to be covered and removed from sale. This was also repeated to the staff member in attendance.

Officers later checked with the licensing office and no application for a Premises Licence had been made.

On 20 December 2021 Officers noted alcohol still to be on display at the premises.

As a result, on 22 December 2021 a test purchase was undertaken. Officers were able to purchase a 70 cl bottle of Smirnoff Ice from the shop. It was noted on this date that the alcohol was not covered, and a large amount was available for sale.

In addition to the alcohol, a number of fireworks were found to be on display in the premises. The Fire Service were asked to visit the premises on 23 December 2021 and as no registration, risk assessment or fire-fighting equipment were in place, they were removed.

On 23 December 2021 Licensing Officers visited the premises with Northumbria Police and Trading Standards Officers. Alcohol was found to still be on sale without a Premises Licence in force. Northumbria Police removed the majority of the alcohol from the premises so as to prevent any further unauthorised sales taking place.

The Police also found more boxes of fireworks in the upstairs flat to the premises. Trading Standards also removed an amount of tobacco from the premises for investigations into the duty paid status.

It is my view that a licence should not be granted. The applicant has shown a disregard for the legislation by initially selling alcohol without a licence and then continuing to sell despite the breaches being brought to his attention. The applicant had been made aware that the continued sales were illegal. In addition, despite advising Officers that he held a Personal Licence no such licence is held by Mr Dara.

It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities other than in accordance with a licence or other authorisation under the 2003 Act. The fine for this offence is unlimited.

Signed

Phil Scott, Director of Environment, Housing and Leisure



North Tyneside Council

Quadrant, The Silverlink North,
Cobalt Business Park,
North Tyneside, NE27 0BY
Tel: 0191 643 2104

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

2 February 2022

Dear Sir/Madam,

Application for a Premises Licence: Ali Baba Store, 51 Nile Street

As the Director of Public Health for the borough I have responsibility for improving population health and providing leadership for health improvement and protection. I am therefore concerned about the evidence supplied by Trading Standards and others which alleges that alcohol has been sold at 51 Nile Street without a licence and that illicit tobacco has also been present.

The activities at this premise appear to undermine the licensing objectives to prevent crime and disorder and protect children from harm, and I do not believe that the applicant has demonstrated that he would be able to uphold the licensing objectives by trading in this illegal and unregulated manner.

The sale of alcohol is rightly subject to robust regulation as it can cause harm to health when consumed at high risk levels and can also impact negatively on society through crime and disorder. Alcohol is linked to over 60 medical conditions and was linked to 39% of violent crimes in England from 2006-2016 and almost 20% of all reported domestic abuse incidents locally in 2021. Alcohol misuse is estimated to cost the NHS about £3.5 billion a year, but the total cost to society is estimated to be £21 billion a year with a cost of £83 million in North Tyneside.

In 2020-2021 there were over 4,000 hospital admissions for residents of North Tyneside due to alcohol-related conditions, which is higher per head than the England and North East averages. The rate of hospital admissions for under 18s for alcohol-specific conditions in North Tyneside is over two times the national average and the highest in the North East. The licensing objectives exist to minimise the risks to the public, and I am concerned that the unregulated sale of alcohol at this premise does not uphold these objectives and there is a risk that alcohol could be sold in a way that is harmful to health. I am concerned that the business owner does not take his responsibilities seriously

I am also concerned about the apparent/alleged sales of illicit tobacco at the premise. Cigarettes, no matter where they are sold, are the only legal consumer

product that, when used exactly as the manufacturer intends them to be used, will kill at least half of its users and every year in the North East, over 5,000 people die because of smoking. Tobacco smoke contains thousands of poisonous chemicals causing 16 types of cancer and other conditions. Smoking is also responsible for driving some of the inequalities that we see in our borough as children and adults in more deprived areas and certain occupations are twice as likely to smoke. At a societal level, dealing with the impact of smoking costs the North Tyneside economy over £57m every year, including over £5m on social care costs.

While fewer people than ever are smoking, illegal cigarettes are often responsible for getting children initiated into smoking. The sale of illegal and unregulated tobacco poses a risk to health for all residents, particularly children, and it is a criminal activity that supports a trade that encourages children to become addicted to tobacco at younger ages and promotes dangerous products. The availability of illicit tobacco undermines every measure that's put in place to reduce smoking rates particularly taxation, age of sale legislation and packaging regulations. Based on the findings of a major public survey across Tyne and Wear, Northumberland, and County Durham in 2021 more than 7 in 10 children aged 14-17 who smoke have been offered illegal tobacco and half buy it. Shops are the source of 14% of children's illegal tobacco purchases. Also, 15% of smokers in the sample area, around 36,000 people, buy illegal tobacco and more than 8 in 10 of these buyers say it helps them smoke i.e., when otherwise high prices would motivate them to quit.

Whilst some illegal/illicit tobacco products are smuggled genuine products and foreign brands where no duty has been paid to the Treasury, some counterfeit tobacco has previously been found to contain arsenic, rat droppings and far more tar and carbon monoxide than legal products. Furthermore, the trade is linked to organised crime fuelling human trafficking, loan sharks and the drug trade.

It is clear that in order to prevent further criminal activity and protect children from harm this premises licence should not be granted.

Thank you for the opportunity to raise my concerns, and should you require any further information please do not hesitate to contact me.

Yours faithfully,

Wendy Burke
Director of Public Health and Responsible Authority

20th January 2022.

Licensing Officer,
Licensing Department,
Killingworth Site,
Harvey Combe,
Killingworth,
Newcastle-Upon-Tyne,
NE12 6UB.

Dear Mrs S Graham,

Re: Application for a premises licence at 51 Nile Street, North Shields, NE29 0BG
Applicant: - Matios Limited.

In respect of the grant of the above application, I have the following comments to make and wish to lodge the following representation:-

On the 23rd December 2021, in a joint visit with Northumbria Police, North Tyneside Council Trading Standards and North Tyneside Council Licensing Officers, attended a shop called Ali Baba, 51 Nile Street, North Shields. The reason for the joint visit was, it was believed that the shop was selling alcohol without the proper authorisation, contrary to Section 136 (1) (a) and (b), also Section 136 (5) (a), and Section 137 (1) exposing alcohol for unauthorised sale and Section 138 (1) keeping alcohol on premises for unauthorised sale of the Licensing Act 2003.

On entering the shop there was a substantial amount of alcohol was on display, as well as fireworks. The alcohol was on display inside the shop, the fireworks were also in the shop and in the upstairs rooms, being used as bedrooms.

The alcohol was seized by Police officers and entered into our force property system. A Statement is attached from Sgt Preston 837. Also contained in the sergeants statement is an itemised list of all the alcohol seized.

Not all the alcohol could be removed; some wine had to be left in the shop, as there were no more available vehicles to remove the rest. Photographs are also attached of alcohol in situ, inside the shop. Also attached are photographs of the location of the Fireworks. The amount of fireworks were: 5 x boxes "Calypso" brand, 3 x boxes Rio Grande brand, 10 x packets of rockets. The Fire service has confirmed there was no authorisation in place for this premises to sell or store fireworks.

May I request the committee to have a regard to North Tyneside Council statement of licensing Policy para 10.1. In considering any licensing applications before it, the authority shall have regard to section 17 of the Crime and Disorder Act 1998 which requires a local authority to do all it reasonably can to prevent crime and disorder in its locality.

The right to enter and search the premises is contained in sections 179(1) and 180(1) of the Licensing Act 2003. The officers had reason to believe, that alcohol was being sold and stored on the premises.

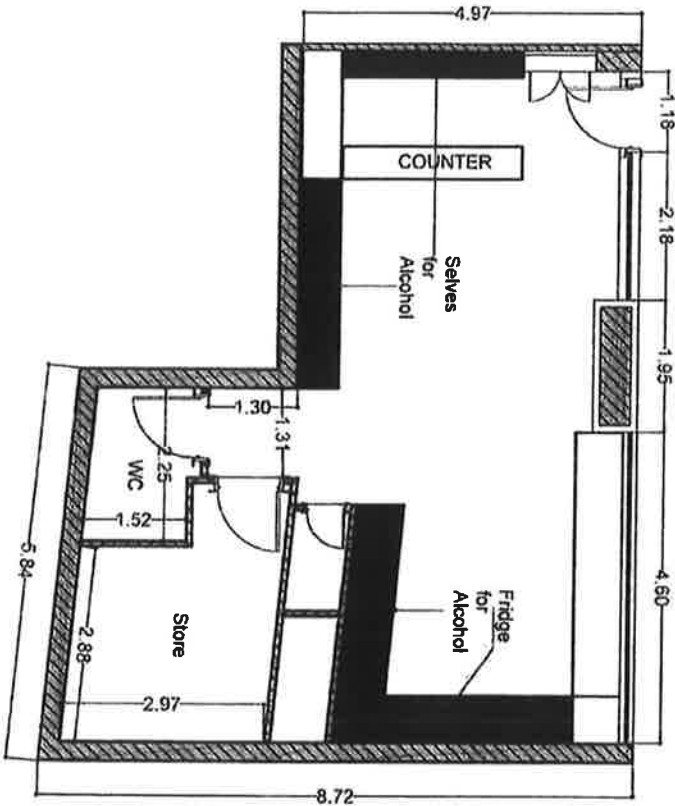
On the 6th January 2022, a licence application was received by Northumbria Police, with respect to 51 Nile Street, North Shields; the application was for an off licence to be granted. Mr Sardar Dara, who is requesting to be the Designated Premises Supervisor (DPS), is registered as the company director of Matios Limited since September 2021.

In the application the applicant stated he has applied to Gateshead council for his personal licence. Enquires were made to Gateshead licensing department, on the 7th January 2022, to see if an application has been made by Mr Sardar Dara, for his personal licence. At the date stated on this representation, no such application has been made.

Northumbria Police wish to place an objection to the grant of this premises licence application for Ali Baba, 51 Nile Street, North Shields, NE29 0BG, on the grounds of Crime and Disorder.

Yours sincerely,

~~C/Asp~~ Paul Young 7688
Harm reduction.



NOTES

- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences.
- This drawing shall not be used to ascertain any dimensions. Work to agreed dimensions only.
- The drawing shall not be reproduced without express written permission from H&V.
- The existing drawings and surveying boundaries are to be used as a guide only. All reasonable endeavours shall be made to ensure the accuracy of the information supplied to them.
- All works are to be undertaken in accordance with Building Regulations and the latest British Standards.
- All proprietary materials and products are to be used in accordance with the manufacturer's recommendations.

This drawing contains the following model files:-

Client notified of errors: 12 DEC 2021

Principal Designer

Unless noted below, all known hazards have been highlighted on the drawing.



PROJECT NOTES

1. Proposals of information contained on this drawing to be used for TENDERING purposes and NOT for procurement or associated construction works.
2. Design information indicated on the drawing is to be used solely for COORDINATION purposes.
3. Development proposals are to be made in conjunction with all referenced drawings and documents.
4. Any proposed ground or floor level heights are to be determined by the architect.

DRAWN BY: ALI SAHIL

51 NILE STREET
NE 29 DBG

PROPOSED DESIGN TO

SANDBOX DATA

EXIST SHOPS

EXISTING AND PROPOSED
Ground Floor

PROJECT NO: DRAWING REF: P4 WSP- 1

SCALE 1:100@ A3

DATE

REVISION BY: ALI SAHIL

Sheet No. 1

WITNESS STATEMENT

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

Statement of: Steven Preston

Age if under 18: **over 18** (if over 18 insert 'over18') Occupation: SGT 837

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

Signature:S PRESTON.....

Date: 16/01/22

I am a Police officer in Northumbria Police currently stationed at Whitley Bay.

At around 14:15hrs on Thursday 23rd December 2021 I attended Ali Baba shop located on Nile Street, North Shields in company staff from North Tyneside Council. The premises mainly sold alcohol and tobacco. Once inside the shop I seized a large quantity of alcohol due to the shop not have a license to sell alcohol. All alcohol seized was returned to North Shields Police Office and booked into the police property system under PIN 2129L/21. I can produce this alcohol as exhibit SP/01 if required.

An inventory of what was seized is as follows:

313 bottles of Lager

1579 Cans of Lager

307 Cans of Cider

16 Bottles of 1 litre Cider

21 Bottles of 2.5 litre Cider

29 Bottles of 3 litre Cider

106 Alcopops

12 Bottles of 20cl Vodka

10 bottles of 35cl Vodka

SignedS PRESTON.....

Page 1

92 Bottles of 70cl Vodka

71 cans of spirits/mixers

15 Bottles of 20cl Rum

19 Bottles 70cl rum

5 Bottles 20cl Gin

32 Bottles 70cl Gin

6 Bottles of 35cl Gin

5 Bottles 70cl Brandy

2 Bottles Champaigne

4 Bottles 70cl Tequila

12 Bottles 20cl Whiskey

38 Bottles 70cl Whiskey

12 Bottles 30cl Whiskey

19 Bottles 70cl Liqueur

1 Bottle 70cl Sambucca

72 Various shot bottles 20ml

2 bottles 1L Baileys

I large quantity of alcohol was left in the store which included bottles of wine.

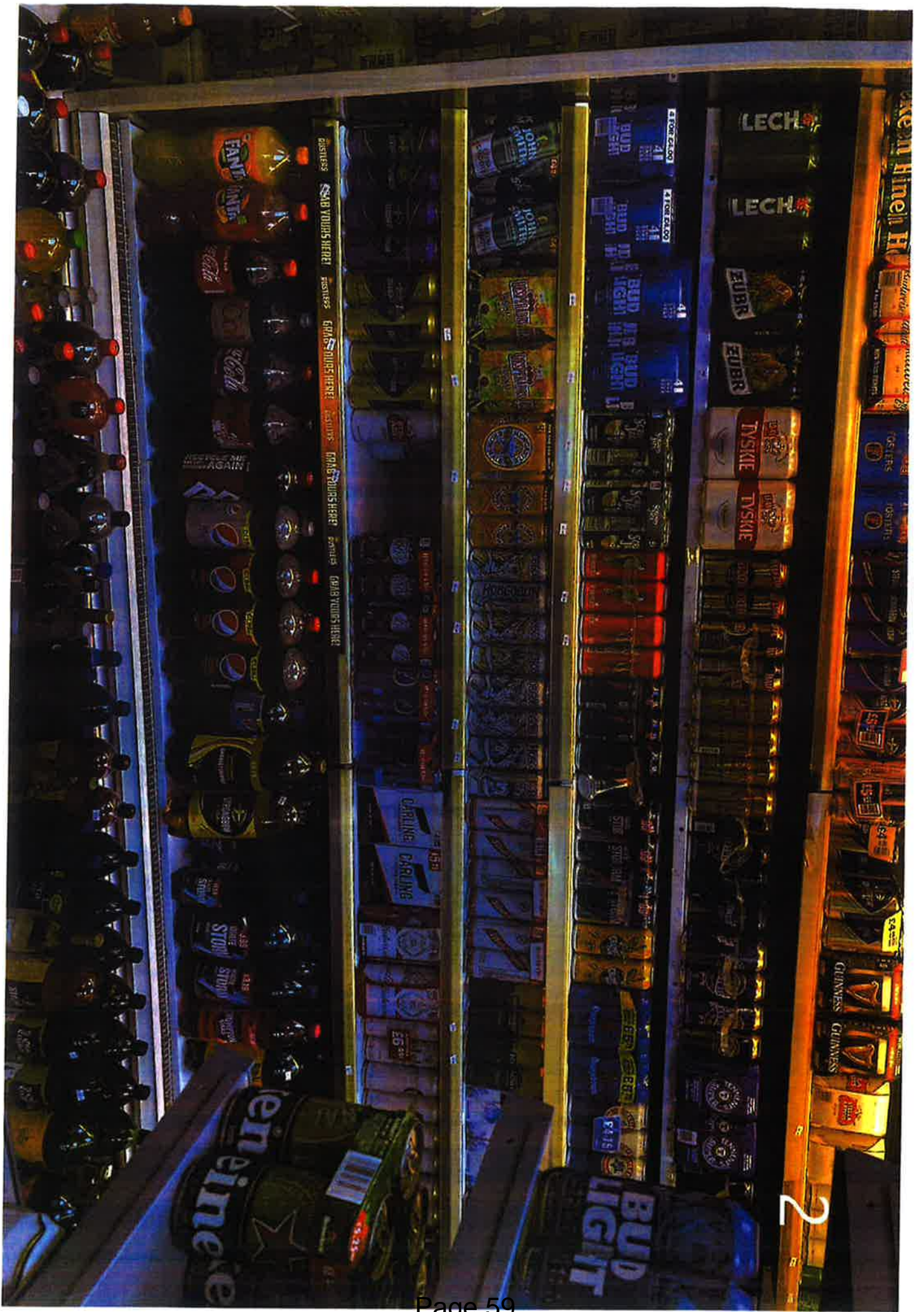
I have viewed my BWV footage from inside the shop however all footage if blank and no picture can be seen. I can provide this if required as exhibit SP/02

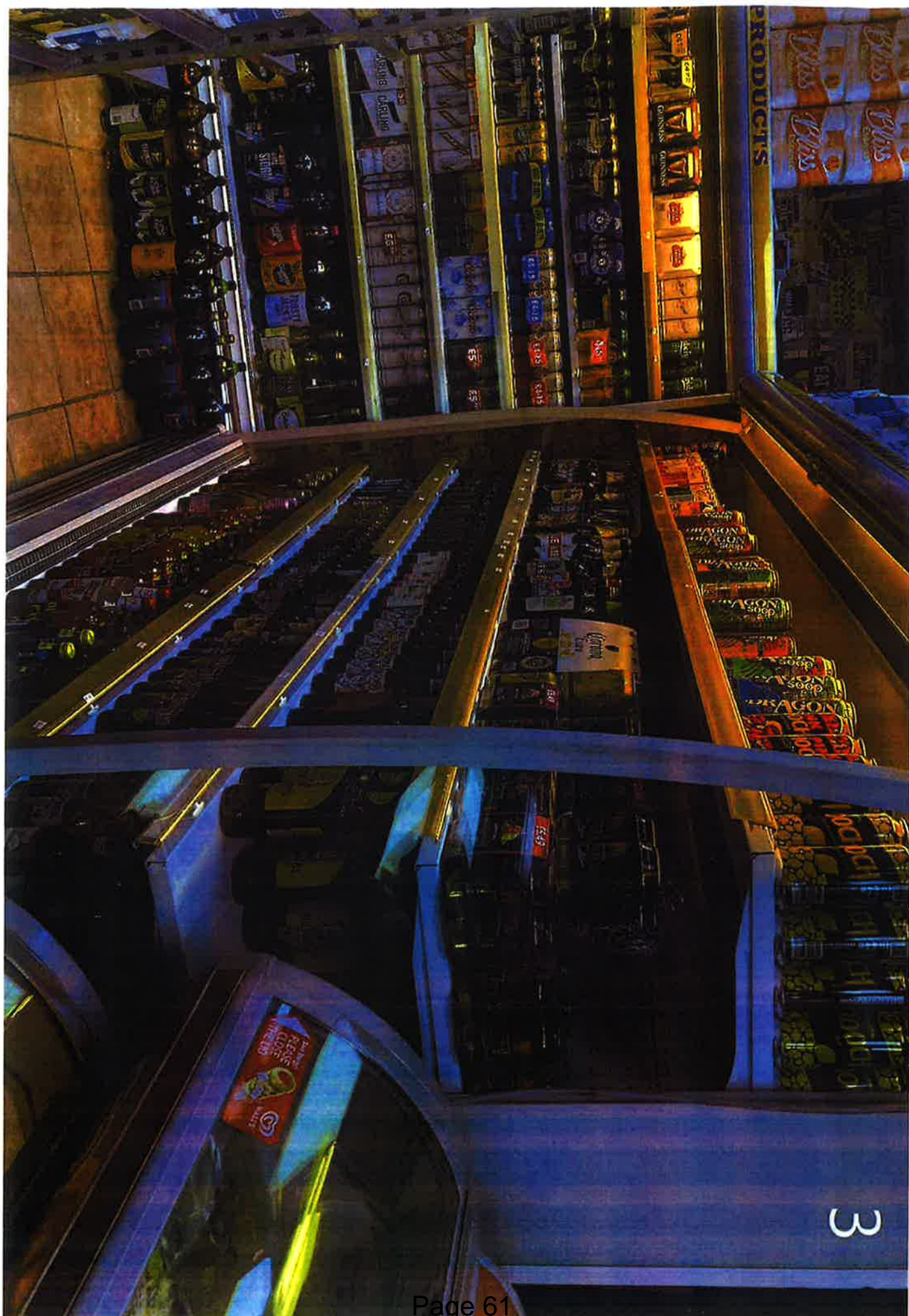
The member of staff present gave his details as Shirwin Salah OMAR. He was not fluent in English however another male entered the store who appeared to know OMAR. This male spoke with staff from North Tyneside Council who took his details. The male acted as a translator for OMAR. Initially OMAR was reluctant to allow police to seize any alcohol however he made a phone call to an unknown number and then allowed officers to seize alcohol from the shop

SignedS PRESTON.....

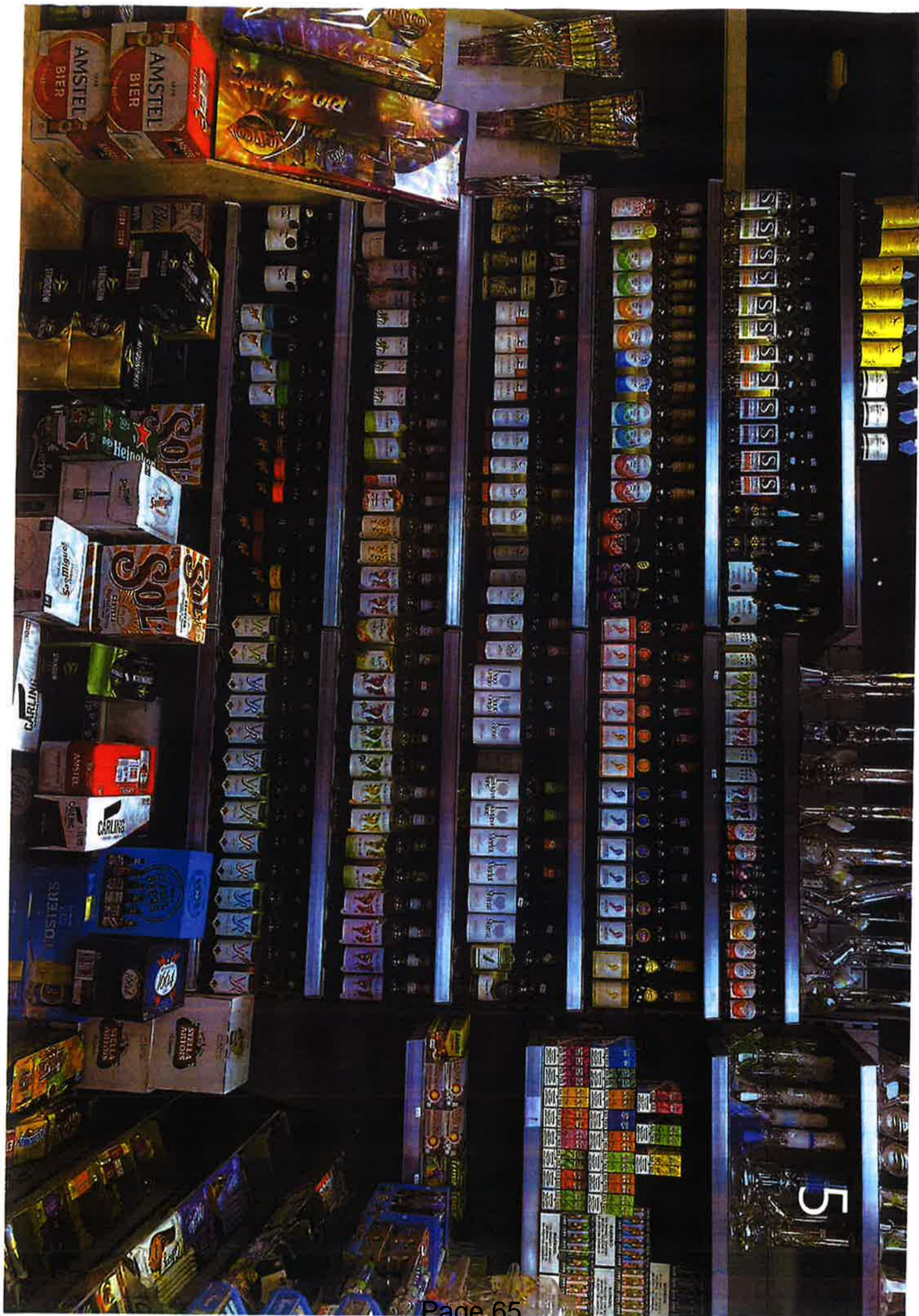
Page 2



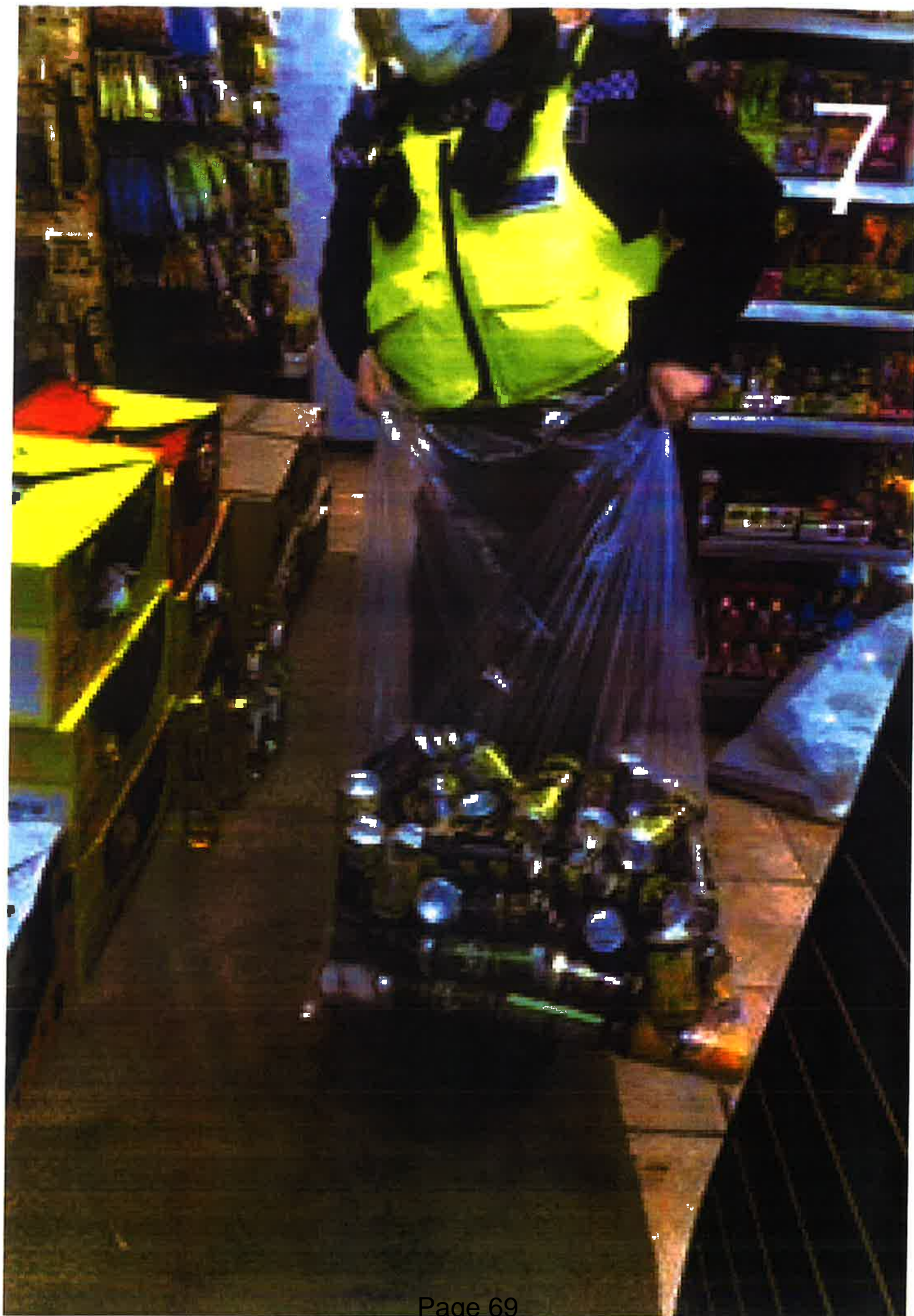






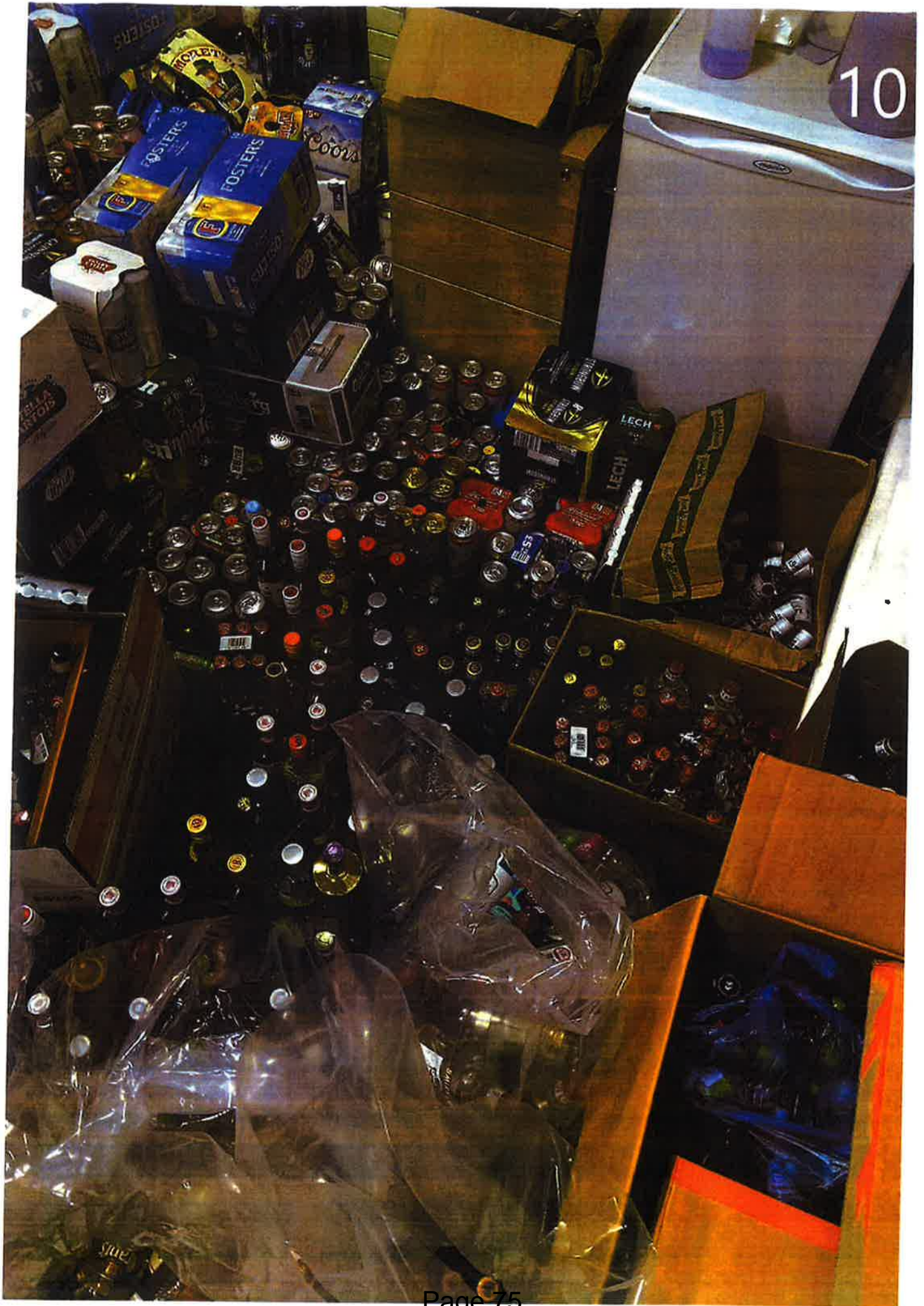




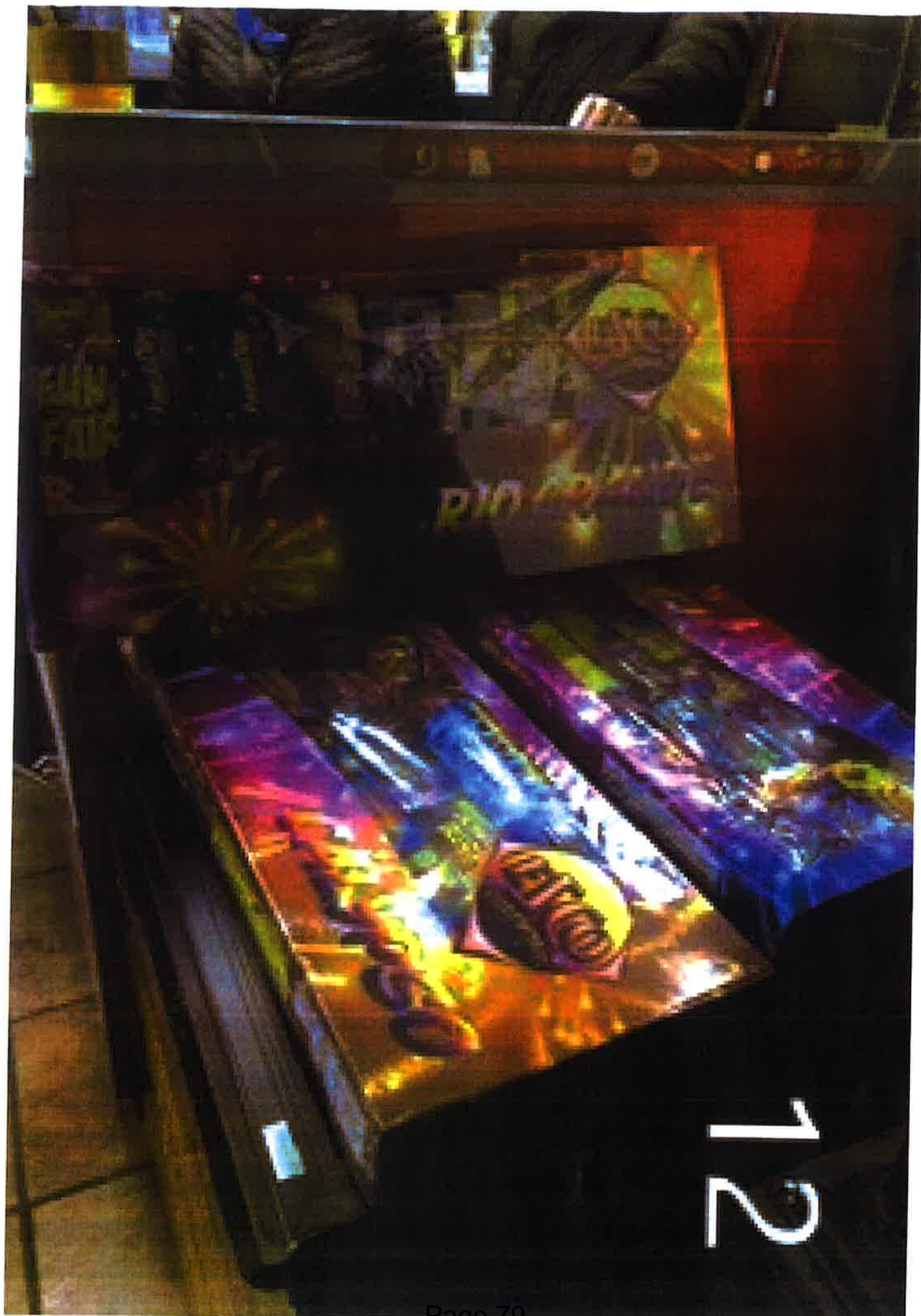


















North Tyneside Council

Working in partnership with
CAPITA

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

Licensing Section Office
Block C, Killingworth Site
Harvey Combe
Killingworth
NE12 6UB

Our Ref: ARB/AB
Your Ref:

Date: 7 February 2022

This matter is being dealt with by:
Alan Burnett
Direct Line: (0191) 643 6621
Fax: (0191) 643 2426
Email: alan.burnett@northtyneside.gov.uk
Website: www.northtyneside.gov.uk

**Responsible Authority representation from Local Weights and Measures Authority
(Trading Standards)**

Re: Matios Ltd T/A Ali Baba
51 Nile Street, North Shields, Tyne & Wear, NE29 0BG

Trading standards wish to make a representation against the application for a premises licence under the Licensing Act by Matios Ltd.

Trading standards believe the application to grant a premises licence will undermine the Prevention of Crime and Disorder and the Public Safety licensing objectives due to the criminal activity that has taken place at the premises, namely the storage on and the sale from the premises of illicit tobacco. It is also concerned that unlicensed activities relating to the sale, exposing for sale, and keeping for sale of alcohol have occurred at the premises. Fireworks were also found on the premises which were stored in an upstairs room which it is believed was being used as a bedroom.

On the 22 December 2021, at the request of North Tyneside's Licensing section, an officer from trading standards attempted to purchase alcohol from the premises at 51 Nile Street, North Shields. The officer was able to purchase a bottle of Smirnoff Ice. The officer also requested to purchase some 'cheap' cigarettes. The officer was offered Richmond brand cigarettes for £5 or Lambert & Butler for £6. The officer purchased the 20 Richmond cigarettes for £5. They were supplied from somewhere underneath the counter. It was clear that these cigarettes were illicit as they did not comply with the legal requirement to be in plain packaging.

The Trading Standards Officer's S.9 witness statement is included at **Appendix 1**.
Pictures of the Alcohol and cigarettes are shown at **Appendix 2**

The Richmond cigarettes were examined by a company on behalf of Imperial Tobacco Limited, the manufacturer and trademark holder for Richmond cigarettes. They have confirmed that the cigarettes are counterfeit and is included in a S.9 witness statement at **Appendix 3**

On the 23 December 2021 in a joint operation with Northumbria Police and North

Tyneside Licensing department, Trading Standards Officers visited the premises at 51 Nile Street North Shields. (A picture of the outside of the premises is shown at **Appendix 4**)

Alcohol was found to be on sale on the premises. Trading Standards Officers discovered and detained quantities of illicit tobacco which were contained in carrier bags and boxes.

One of the carrier bags was in the possession of the shop employee who identified himself as Sherwan Salah Omar. He claimed that the tobacco was for personal use. Inside the carrier bag was 10 packets x 20 Richmond king size cigarettes UK Duty Paid. 7 x 50g The Turner Original hand rolling tobacco. 6 x 50g Amber Leaf Original Tobacco Duty Paid hand rolling tobacco. (see picture **Appendix 5**)

Further tobacco was discovered in a room located upstairs on the premises. The tobacco that was discovered was:-

Turner Original hand rolling tobacco 80 x 50g = 4kg
 Amber Leaf hand rolling tobacco 14 x 50g = 0.7kg
 Lamber & Butler original silver 200 x 20 = 4000
 Lamber & Butler original 41 x 20 = 820
 Richmond King Size 122 x 20 = 2440
 Marlboro Gold = 17 x 20 = 340
 Esse Change Mini Slim 10x 20 = 200
 Benson & Hedges 41 x 20 = 820

Pictures off the tobacco are shown in **Appendix 6**

Tobacco	Amount	Total	Type of Illicit
Turner Original hand rolling tobacco	87 x 50g	4.35kg	Non duty paid
Amber Leaf hand rolling tobacco	45 x 50g	2.25kg	Non duty paid
Total Hand Rolling Tobacco		6.6kg	
Lamber & Butler original silver	200 x 20	4000	Non duty paid
Lamber & Butler original	41 x 20	820	Counterfeit
Richmond King Size	122 x 20	2,440	Counterfeit
Marlboro Gold	17 x 20	340	Non duty paid
Esse Change Mini Slim	10 x 20	200	Non duty paid
Benson & Hedges	41 x 20	820	Non duty paid
Total Cigarettes		8,620	

Photographs of the seized tobacco were sent to Her Majesty's Revenues and Customs (HMRC) to be examined and to establish if they were non duty paid (smuggled) A statement has been received which confirms that none of the tobacco examined was intended for sale in the UK and is therefore smuggled tobacco. The HMRC officer has also supplied a schedule of the tax duty liability which amounts to in total £4596. The statement and exhibit is produced at **Appendix 7**

The Richmond and Lambert & Butler Original cigarettes were examined by a company on behalf of Imperial Tobacco Limited, the manufacturer and trademark holder for Richmond cigarettes. They have confirmed that the cigarettes are counterfeit and is included in a S.9 witness statement at **Appendix 8**

Appendix 9 is included to illustrate what a packet of cigarettes must look like in Great Britain (standardized packaging)

Public Safety

There is a requirement in the UK that all cigarettes must have reduced ignition propensity (RIP), also known as "fire-safer" cigarettes, are cigarettes which have been designed to self-extinguish when left unpuffed. It is known that counterfeit cigarettes do not comply with the Reduced Ignition Propensity requirements and won't self-extinguish. When left unattended there is a greater fire risk.

The discovery of fireworks being stored in a bedroom on the premises, is clearly a safety issue. There was no fire fighting equipment apparent. It is understood that there was no authorisation in place for this premises to sell or store fireworks.

Summary

Due to all of the above, as a responsible authority under the Licensing Act 2003, North Tyneside Council Trading Standards have real concerns about the premises being used for criminal purposes. It is clear from the sale and storage of illicit tobacco found on the premises that the crime prevention objective of the Licensing Act is being undermined.

It is very important to stop the sales of illicit tobacco, as not only does it have serious consequences for health it also discourages smokers from quitting due to its low price. Price has been identified as the most effective barrier to smoking and this also makes it more attractive to children, making it even easier for them to get hooked. It is also worth noting that contravention of s144 of the Licensing Act - 'Keeping of smuggled goods' is a criminal offence. The supply of illicit tobacco has also been linked to organised crime groups.

I would ask the committee to have regard to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018). This guidance refers to reviews of a licence after it has been granted but is pertinent to this application as it reflects the views of the secretary of state that the sale of illicit tobacco should be treated very seriously: -

Reviews arising in connection with crime

11.24

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

11.27

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- **for the sale or storage of smuggled tobacco and alcohol.**

•
A criminal investigation into the seized tobacco is ongoing

Trading Standards wish to object to the premises licence for Matios Ltd T/A Ali Baba being granted

Document number:

Appendix 1

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

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

Statement of Thomas Richardson

Age of Witness: Over 18

Occupation of Witness: Trading Standards Enforcement Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Date 04/02/2022

Signed

I am employed by North Tyneside Councils Trading Standards Service as a Trading Standards Enforcement Officer.

On 22nd December 2021 at 11:47 am I entered Ali Baba 51 Nile Street North Shields. I browsed the shop in which a range of alcohol was on display for sale and picked up a bottle of Smirnoff Ice 70cl for £3.29. I took the bottle to the counter and spoke to a man stood behind the counter. He was in his mid-30s, black quiff hairstyle and middle eastern appearance. I then asked the man if he had any cheap cigarettes. The man asked which brand and I responded JPS Red. the man stated they did not have JPS however they had Richmond for £5.00 or Lambert and Butler for £6.00. I requested one packet of Richmond and the man took them from directly under the counter. I then provided the man with a £10.00 note, I received my change and left the shop at 11:49 am with the bottle of Smirnoff Ice 70cl and a packet of 20 Richmond king size cigarettes. During my time within the shop there was only one male staff member present and no customers.

I produce the packet of 20 Richmond king size cigarettes and the bottle of Smirnoff Ice 70cl which I was sold respectively as exhibits TR/1 and TR/2.

Signed

Dated 04/02/2022

Statement of Witness

Continuation statement of Thomas Richardson Page 2

I placed the packet of 20 Richmond king size cigarettes in an evidence bag which had the number P00083663 and sealed the bag and then I placed the bottle of Smirnoff Ice 70cl in an evidence bag which had the number P00083664.

Signed

Dated 04/02/2022...

Appendix 2

Appendix 2

Photographs of Cigarettes and alcohol test purchased 22/12/2021





Appendix 3

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16 2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF SALVATORE LOSCALZO

Occupation of witness: Company Director

Age of witness: over 18

This statement consisting of 2 pages 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.

- 1 I am employed by Attest U.K. Authentication Services Limited as a Director. The company's offices are situated at 19 St Christopher's Way, Patriot Way Business Park, Pride Park, Derby DE24 8JY. I have held this position for 7 years 9 months. In my role as Director for Attest U.K. Authentication Services Limited, I regularly assist tobacco manufacturers in the identification of counterfeit tobacco products. I am authorised to make this declaration, which I do so from my own knowledge unless otherwise indicated.
- 2 I have been instructed by Imperial Tobacco Limited to assist them in the identification of genuine and counterfeit Imperial branded tobacco products.
- 3 On the 20th of January 2022, I received the following Exhibit from Mark Duffy from North Tyneside Council's Trading Standards Service:

Sealed bag reference P00083663 containing 1 x 20 packet of Richmond King Size cigarettes, Exhibit reference none given. I also received a covering letter.
- 4 I examined this packet of cigarettes.
- 4.1 I can confirm that the printing technique used in the manufacture of this packet of cigarettes, Exhibit reference none given is not consistent with Imperial Tobacco Limited specifications.
- 4.2 Consequently, I can state that the packet of cigarettes which I have examined was not made by or on behalf of Imperial Tobacco Limited, nor did Imperial Tobacco Limited authorise its manufacture or sale. It is in fact counterfeit.
- 5 I confirm that Imperial Tobacco Limited own the registered trademark for Richmond. I produce a copy of the trademark certificate in respect of this brand, SL/1 refers.
- 6 The Exhibit was returned to Mark Duffy from North Tyneside Council's Trading Standards Service in a sealed bag:

- 6.1** Plastic seal reference 0175460 used to reseal bag reference P00083663 containing 1 x 20 packet of Richmond King Size cigarettes, Exhibit reference none given. I also returned the covering letter.

Statement of Truth

I believe that the facts stated in this Witness Statement are true.

Signed: 

Date: 21/01/2022.

SL/1



**Intellectual
Property
Office**

Certified Copy

I certify that the attached is a true copy of the entry of a trade mark in the United Kingdom register of trade marks.

**Tim Moss
Comptroller General of Patents, Designs and Trade Marks
Intellectual Property Office**

Dated: 30 October 2021



Intellectual Property Office is an operating name of the Patent Office

www.gov.uk

Mark:
RICHMOND

Trade Mark No: UK00901266311
Mark type: Word mark

Trade Mark status: Registered, OPEN

Trade Mark type: Standard

Filing Date: 04/08/1999 **Registration Date:** 14/08/2000

Renewal Date: 04 August 2029

Goods and Services List:

Class 34:

Tobacco whether manufactured or unmanufactured; tobacco products; substitutes for smoking sold separately or blended with tobacco; none being for medicinal or curative purposes; smokers' articles and matches.

Owner(s) Details:

Imperial Tobacco Limited
121 Winterstoke Road, Bristol, BS3 2LL, UNITED KINGDOM

Representatives Details:

STEVENS HEWLETT & PERKINS
1 St Augustine's Place BS1 4UD Bristol UNITED KINGDOM

Appendix 4

Photograph of front of premises 51 Nile Street, North Shields



Appendix 5

Tobacco discovered in the possession of Sherwan Salah Omar



Appendix 6



Photograph of three bags and two boxes containing cigarettes and tobacco found in the flat above the premises on the 23/12/2021





Appendix 7



MG11T
(HMRC)

ENGLAND AND WALES ONLY

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

URN: 88/Code/CAN/YY

Age if under 18: **Over 18** (If over 18 insert 'over 18') Occupation: **Officer of HM Revenue and Customs**

This statement (consisting of 8 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Date: 04/02/2022

Indicate if witness evidence is visually recorded² No (If YES, see guidance)

I am David James PAGE, a Higher Officer of Her Majesty's Revenue and Customs ('HMRC'). I have been employed by HMRC, and its predecessor, HM Customs and Excise, since January 2003. In this time I have been employed as an Excise Officer, dealing with control of tax warehouses, general excise duties and involvement in excise smuggling and evasion work. My current role is as the national lead for civil investigations relating to illicit tobacco importations made through unaccompanied freight traffic. As part of these duties I am required to know the rates of duty on tobacco products sold in the United Kingdom and the methodology of calculating this rate.

On 27 January 2022 I was asked by HMRC's Witness Statement Unit to provide a witness statement relating to 2 separate companies. The 2 companies and addresses are:

[illegible]

2. Matios Limited (trading as Ali Baba) of 51 Nile Street, North Shields, NE29 0BG.

This statement will specifically cover the excise duties on a quantity of cigarettes and hand rolling tobacco ('HRT') which were detected at these premises by North Tyneside Council's Trading Standards department. In compiling this statement, I was furnished with additional information provided to me by Alan BURNETT (who I know to be a Senior Trading Standards Officer from North Tyneside Council) in a number of emails on 27 January 2022, this includes representative sample

Date: 04/02/2022

Signature: David PAGE
(Signature of witness)

Signature: Enter Name
(Signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY
Page 1 of 8

May 2019

OFFICIAL

MG11T HMRC

Statement of: **David James PAGE****URN: 88/Code/CAN/YY**

photographs of the tobacco products. I have been told that these cigarettes have originated from an unknown source and there is no paperwork to confirm the supply chain. It therefore follows that it is not possible to confirm that United Kingdom excise duty has correctly been accounted for on these goods. I have been advised that goods were detected by North Tyneside Trading Standards on various dates, as detailed below. As a different duty rate was in force for one of the detections, I will deal with them separately.

I am authorised to make this disclosure under section 19 of the Anti-terrorism, Crime and Security Act 2001. The Witness Statement Unit authority reference number is RQST 3519310.

EXCISE DUTIES

Excise duty (Tobacco Products Duty) is charged on tobacco products that are imported into or manufactured in the United Kingdom. The tobacco products liable to excise duty are: cigarettes; cigars; hand-rolling tobacco; other smoking tobacco (commonly known as 'pipe tobacco'); and chewing tobacco, which are manufactured wholly or partly from tobacco or any substance used as a substitute for tobacco.

- The relevant legislation is:
- The Tobacco Products Duty Act 1979
- The Tobacco Products Regulations 2001 (SI 2001 No.1712)
- The Tobacco Products (Amendment) Regulations 2003 (SI 2003 No. 1523)
- The Tobacco Products (Descriptions of Products) Order 2003 (SI 2003 No.1471)
- The Excise Goods (Holding, Movement and Duty Point) Regulations 2010 (SI 2010 No.593)

The tobacco products duty (excise duty) on cigarettes has two components: an ad valorem element (i.e. a percentage of the retail price) and a specific element (a cash amount per 1000 cigarettes). The retail price on which the ad valorem duty is calculated is the tax and duty inclusive retail price recommended by the UK manufacturer or importer.

Date: 04/02/2022

Signature: David PAGE
(Signature of witness)Signature: Enter Name
(Signature witnessed by)**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**
Page 2 of 8

May 2019

OFFICIAL

MG11T HMRC



MG11T
(HMRC)

URN: 88/Code/CAN/YY

EL

21

£252 22 11

Figure 1

Ex. 100 1000

total = 500

dufte li-2000

In fact

5-11

— ۱۱۱ —

NAME: _____

* If the 'figures altogether' as I am unable to confirm the brands and quantities, I have used the same methodology.

The data tabulated have been calculated as being:

2. **Find**

13 00757

100-443687-100

Signature: David PAGE
(Signature of witness)

Signature: Enter Name
(Signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY
Page 3 of 8

OFFICIAL

MG11T HMRC



MG11T
(HMRC)

URN: 88/Code/CAN/YY

c. $\text{€} 100 \times 100\% = 100\%$ cost of the retail price plus €244.78 per thousand

clearance of 1000hrs on 16 November 2020 is

11. ידבוק

TABLE 1. Quantity of tobacco products detected in retail shops

For Waller Limited, showing the duty liability of certain quantities of cigarettes (2320 in

total of 750 hours covered in the schedule and on the dates given in the schedule as well as the

... of the brands named in the schedule

To determine the average recommended retail

5

Qna-5

and retail selling price

20 cigarettes

The 2 : 00

1980

the UK.

Date: 04/02/2022

Signature: David PAGE
(Signature of witness)

Signature: Enter Name
(Signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY
Page 4 of 8

May 2019

OFFICIAL

MG11T HMRC

Statement of: **David James PAGE****URN: 88/Code/CAN/YY****Matios Limited of 51 Nile Street, North Shields, NE29 0BG***Detection on 22 and 23 December 2021*

The tobacco products duty (excise duty) on cigarettes has two components: an ad valorem element (i.e. a percentage of the retail price) and a specific element (a cash amount per 1000 cigarettes).

The retail price on which the ad valorem duty is calculated is the tax and duty inclusive retail price recommended by the UK manufacturer or importer.

The tobacco products duty on hand rolling tobacco is calculated by reference to the total weight in kilograms.

Date: 04/02/2022

Signature: David PAGE
(Signature of witness)Signature: Enter Name
(Signature witnessed by)**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**
Page 5 of 8

May 2019

OFFICIAL

MG11T HMRC

Statement of: David James PAGE
URN: 88/Code/CAN/YY

The current rate of Tobacco Products Duty, from 1800hrs on 16 November 2020, on cigarettes is: 'an amount equal to 16.5 per cent of the retail price plus £244.78 per thousand cigarettes'. The duty rate on hand rolling tobacco ('HRT') from 1800hrs on 16 November 2020 is £271.40 per kilogram.

I produce a schedule, marked 'exhibit DJP/3 - schedule of tobacco products detected in relation to Matlos Limited', showing the duty liability of certain quantities of cigarettes (8620 in total) of the brands named in the schedule and on the dates given in the schedule; as well as the duty liability of certain quantities of HRT (6.6kg in total) of the brands named in the schedule and on the dates given in the schedule

In preparing the schedule, I have used the UK manufacturers' or importers' recommended retail selling prices, applying on the dates given and as notified to HMRC.

One of the brands in question, Esse Change Mini Slim Applemint, are not marketed in the UK and therefore there is no recommended retail price. In these instance, I have used the lowest recommended retail selling price notified to HMRC at the time of detection, this being £8.00 per 20 cigarettes.

Photographs of the detected tobacco products have been made available to me by Alan BURNETT, and I have the following comments based on these photos:

- Richmond King Size – the packaging is not the plain type that is required for retail sale in the UK. It would therefore be reasonable to conclude that the cigarettes were not intended for sale in the UK.
- Lambert and Butler Original marked 'duty free' – these cigarettes are only intended for purchase in a "duty free shop", such as at an airport. They should not be held for retail sale in the UK as no excise duty will have been paid on them.

Date: 04/02/2022
**Signature: David PAGE
(Signature of witness)**
**Signature: Enter Name
(Signature witnessed by)**
**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY
Page 6 of 8**
May 2019
OFFICIAL
MG11T HMRC



Statement of: David James PAGE

URN: 88/Code/CAN/YY

- Lambert and Butler original – the packaging is not the plain type that is required for retail sale in the UK. It would therefore be reasonable to conclude that the cigarettes were not intended for sale in the UK.
- Marlboro Gold – the health markings on these packs are in Polish. It would therefore be reasonable to conclude that the cigarettes were not intended for sale in the UK.
- Benson & Hedges Silver – the packaging is not the plain type that is required for retail sale in the UK. It would therefore be reasonable to conclude that the cigarettes were not intended for sale in the UK.
- Esse Change Mini Slim Applemint – the health warnings and packaging are not of a type that is suitable for sale in the UK. It would therefore be reasonable to conclude that the cigarettes were not intended for sale in the UK.
- Turner Original hand rolling tobacco – the health markings on these packs are in a language for the Luxembourg market (this is additionally indicated by the use of the '.lu' domain extension on the email address). It would therefore be reasonable to conclude that the cigarettes were not intended for sale in the UK.

The duty liabilities have been calculated as being:

- Cigarettes - £2805.53
- Hand rolling tobacco - £1791.24
- Total duty liability is therefore - £4596.77

These documents were created or received by Officers of Her Majesty's Revenue and Customs in the course of their official duties, from information supplied by a person or persons who may reasonably be supposed to have had personal knowledge of the matter dealt with. Where this information was supplied through others, each of them received it in the course of a trade, business

Date: 04/02/2022

Signature: David PAGE
(Signature of witness)

Signature: Enter Name
(Signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY
Page 7 of 8

May 2019

OFFICIAL

MG11T HMRC



Statement of: David James PAGE

URN: 88/Code/CAN/YY

or occupation or office. The person or persons who originally supplied the information can not reasonably be expected to have any recollection of the matters dealt with in the documents.

XX

Date: 04/02/2022

Signature: David PAGE
(Signature of witness)

Signature: Enter Name
(Signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY
Page 8 of 8

May 2019

OFFICIAL

MG11T HMRC



HM Revenue
& Customs

**Exhibit DJP/3 - schedule of tobacco products detected in relation to Matios
Limited on 22DEC2021 and 23DEC2021**

PART A - CIGARETTES

Serial	Brand	Quantity of cigarettes	RRP per 20 cigarettes	Duty rate		Duty liability
				Ad valorem (% of RRP)	Fixed (per 1000)	
1	Richmond King Size	2440	£9.75	16.50%	£244.78	£793.53
2	L&B Original Duty Free	4000	£9.30	16.50%	£244.78	£1,286.02
3	L&B Original	820	£9.30	16.50%	£244.78	£263.63
4	Marlboro Gold	340	£12.50	16.50%	£244.78	£118.29
5	B&H Silver	820	£12.00	16.50%	£244.78	£281.90
6	Esse Change Mini Slim	200	£8.00	16.50%	£244.78	£62.16
		8620				
						£2,805.53

PART B - HAND ROLLING TOBACCO ('HRT')

Serial	Brand	Pouch size (kg)	Quantity	Total weight of HRT (kg)	Duty rate per		Duty liability
					kg		
1	Amberleaf HRT	0.05	45	2.25	£271.40		£610.65
2	Turners HRT	0.05	87	4.35	£271.40		£1,180.59
						6.6	£1,791.24

FF

OFFICIAL

HMRC 08/14

Appendix 8

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16 2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF SALVATORE LOSCALZO

Occupation of witness: Company Director

Age of witness: over 18

This statement consisting of 2 pages 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.

- 1 I am employed by Attest U.K. Authentication Services Limited as a Director. The company's offices are situated at 19 St Christopher's Way, Patriot Way Business Park, Pride Park, Derby DE24 8JY. I have held this position for 7 years 9 months. In my role as Director for Attest U.K. Authentication Services Limited, I regularly assist tobacco manufacturers in the identification of counterfeit tobacco products. I am authorised to make this declaration, which I do so from my own knowledge unless otherwise indicated.
- 2 I have been instructed by Imperial Tobacco Limited to assist them in the identification of genuine and counterfeit Imperial branded tobacco products.
- 3 On the 20th of January 2022, I received the following Exhibits from Mark Duffy from North Tyneside Council's Trading Standards Service:

Sealed bag reference P00083706 containing 1 x 20 packet of Richmond King Size cigarettes, Exhibit reference none given.

Sealed bag reference P00083564 containing 1 x 20 packet of L&B Lambert & Butler Original King Size cigarettes, Exhibit reference none given. I also received a covering letter.
- 4 I examined these packets of cigarettes.
- 4.1 I can confirm that the printing technique used in the manufacture of these packets of cigarettes, Exhibits referenced none given is not consistent with Imperial Tobacco Limited specifications.
- 4.2 Consequently, I can state that the packets of cigarettes which I have examined were not made by or on behalf of Imperial Tobacco Limited, nor did Imperial Tobacco Limited authorise their manufacture or sale. They are in fact counterfeit.
- 5 I confirm that Imperial Tobacco Limited own the registered trademarks for Richmond and Lambert & Butler. I produce copies of the trademark certificates in respect of these brands, SL/1 and SL/2 refers.

6 The Exhibits were returned to Mark Duffy from North Tyneside Council's Trading Standards Service in sealed bags:

6.1 Plastic seal reference 0175561 used to reseal bag reference P00083706 containing 1 x 20 packet of Richmond King Size cigarettes, Exhibit reference none given.

Plastic seal reference 0175562 used to reseal bag reference P00083564 containing 1 x 20 packet of L&B Lambert & Butler Original King Size cigarettes, Exhibit reference none given. I also returned the covering letter.

Statement of Truth

I believe that the facts stated in this Witness Statement are true.

Signed:

Date: 21/01/2022.

SL/1



**Intellectual
Property
Office**

Certified Copy

I certify that the attached is a true copy of the entry of a trade mark in the United Kingdom register of trade marks.

**Tim Moss
Comptroller General of Patents, Designs and Trade Marks
Intellectual Property Office**

Dated: 30 October 2021



Intellectual Property Office is an operating name of the Patent Office

© Crown Copyright 2021

Mark:
RICHMOND

Trade Mark No: UK00901266311
Mark type: Word mark

Trade Mark status: Registered, OPEN

Trade Mark type: Standard

Filing Date: 04/08/1999 **Registration Date:** 14/08/2000

Renewal Date: 04 August 2029

Goods and Services List:

Class 34:

Tobacco whether manufactured or unmanufactured; tobacco products; substitutes for smoking sold separately or blended with tobacco; none being for medicinal or curative purposes; smokers' articles and matches.

Owner(s) Details:

Imperial Tobacco Limited
121 Winterstoke Road, Bristol, BS3 2LL, UNITED KINGDOM

Representatives Details:

STEVENS HEWLETT & PERKINS
1 St Augustine's Place BS1 4UD Bristol UNITED KINGDOM

SL/2



**Intellectual
Property
Office**

Certified Copy

I certify that the attached is a true copy of the entry of a trade mark in the United Kingdom register of trade marks.

**Tim Moss
Comptroller General of Patents, Designs and Trade Marks
Intellectual Property Office**

Dated: 30 October 2021



Intellectual Property Office is an operating name of the Patent Office

wwwipo.gov.uk

Mark:
L&B

Trade Mark No: UK00911609882
Mark type: Word mark

Trade Mark status: Registered, OPEN

Trade Mark type: Standard

Filing Date: 27/02/2013 **Registration Date:** 10/07/2013

Renewal Date: 27 February 2023

Goods and Services List:

Class 9:
Batteries and electric accumulators for electric and/or electronic cigarettes; Chargers for electric cigarettes.

Class 11:
Apparatus for heating tobacco and tobacco products; Apparatus for heating liquids; Apparatus for generating vapour.

Class 30:
Flavourings, other than essential oils.

Class 34:
Tobacco whether manufactured or unmanufactured; cigarettes; cigars; tobacco products; tobacco substitutes, none being for medicinal or curative purposes; matches and smokers' articles; Electric and/or electronic cigarettes; Liquids for electric and/or electronic cigarettes; Vaporising devices for tobacco, tobacco products and tobacco substitutes; Cigarettes containing tobacco substitutes; Smoker's articles for electric and/or electronic cigarettes; Pouches for carrying electric and/or electronic cigarettes; Mouth pieces for electric and/or electronic cigarettes.

Owner(s) Details:
Imperial Tobacco Limited
121 Winterstoke Road, Bristol, BS3 2LL, UNITED KINGDOM

Representatives Details:
STEVENS HEWLETT & PERKINS
1 St Augustine's Place BS1 4UD Bristol UNITED KINGDOM

Appendix 9

3. Cigarette pack

All cigarette packs for retail must be in standardised packaging. Packs must be a cuboid shape and a non-shiny drab dark brown. Brand names are allowed but must be in a set position, font and maximum size. Required health warnings and other permitted features must be presented in a standardised way. There are also internal packaging requirements. All other trademarks, logos, colour schemes and promotional images are prohibited.

¹This Chapter sets out the requirements for cigarette packs. The image below is a mock-up of a pack which is compliant with both standardised packaging regulations and Tobacco and Related Products Regulations.



¹ Pack on pages 6, 8, 9 are conforming with 2021 GB regulations by Wee Creative for ASH