

## **APPENDIX 1**

RECEIVED 3/4/19



North Tyneside Council

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

R

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

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

*(Insert name of applicant)*

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

**Part 1 – Premises**

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

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

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

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates

(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

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

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

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

Please tick one or more boxes ✓

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

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

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

Please see Appendix **AB1**

Please tick yes

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

If yes please state the date of that application

Day	Month	Year

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

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

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

Signature

*Alan Burnett*

Date

01 /04/ 2019

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

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

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

**Post town**

Newcastle Upon Tyne

**Post Code**

NE27 0BY

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

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

**Notes for Guidance**

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

# Appendix AB1



## Prudhoe Off Licence

### Background

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

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

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

### Intelligence

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

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

### First seizure

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

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

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

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

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

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

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

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

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

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

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

### **Second seizure**

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

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

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

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

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

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

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

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

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

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

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

### **Third seizure**

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

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

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

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

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

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

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

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

A criminal investigation into this matter is ongoing.

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

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

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

## Summary

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

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

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

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

### Reviews arising in connection with crime

#### **11.24**

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

#### **11.27**

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

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.
- **for the sale or storage of smuggled tobacco and alcohol.**

#### **11.28**

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

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

# Appendix AB2

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**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

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

URN:

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

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

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

Date: 18/03/2019

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

3

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

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

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

CFIB Witness Statement Unit (WSU) Reference Number: RQST3175108

Name: **Khalid NABI**

Date of Birth:

National Insurance number:

Current Address:

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

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

Date: 18/03/2019

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





Statement of: Christopher  
Musgrove

URN:

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

Date: 18/03/2019

Signature: C MUSGROVE  
(Signature of witness)

Signature: Enter Name  
(Signature witnessed by)

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

DRH 1p Turner 2015



THE  
**TURNER**

BLUE LABEL

*Special Blend*

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

DRH 2p Turner 2015

ROKEN IS DOODLES

Fumer tue

Rauchen ist tödlich

# THE TURNER

BLUE LABEL

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

50g 



€ 4,80  
L




50G  
TABAK  
TABAG  
LU38 AO

5

DRH 3p Turner 2018

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er nuit à vos dents et  
os gencives

schädigt Zähne und  
fleisch

Hot Line: 8002 6767  
[tabac-stop.lu](http://tabac-stop.lu)

THE  
**TURNER**<sup>®</sup>

THE TURNER — THE TURNER — THE TURNER — THE TURNER

DRH 4p Turner 2018

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TURNER



Fumer nuit à vos dents  
et à vos gencives

Rauchen schädigt  
Zähne und Zahnfleisch

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

DRH 5p Turner 2018



**fumer peut tuer l'enfant que  
vous attendez**  
**Rauchen kann Ihr ungeborenes  
Kind töten**

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

THE  
**TURNER**  
ORIGINAL

THE TURNER ORIGINAL THE TURNER ORIGINAL THE TURNER ORIGINAL



**Fumer augmente le risque  
de devenir aveugle**  
**Rauchen erhöht das Risiko  
zu erblinden**

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

THE  
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DRH 6p Turner 2018

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Fumer augmente  
le risque de devenir  
aveugle

Rauchen erhöht das  
Risiko zu erblinden

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



Fumer peut tuer  
l'enfant que vous  
attendez

Rauchen kann  
Ihr ungeborenes  
Kind töten

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

# Appendix AB3

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

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

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

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

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

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

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

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

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

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

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

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

JTI's UK trading company is Gallaher Limited  
 Virginia House, Weston Road, Crewe, Cheshire CW1 6GH, UK  
 Telephone +44(0)1276 304500  
 Registered in England: Number 09411573  
 Registered Office: Merton Hill, Brooklands Road, Weybridge, Surrey, KT13 0QU, UK  
 Telephone +44(0)1932 337333



Page No.....2.....of.....2.....

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

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

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

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

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

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

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

The product in question is therefore counterfeit.

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

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

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

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

(Signature of witness) .....

JTI UK

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

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





# Intellectual Property Office

## Case details for trade mark UK00002216236

### Trade mark

**Trade mark:** MAYFAIR

**Status:** Registered

### Relevant dates

**Filing date:** 03 December 1999

**Date of entry in register:** 16 June 2000

**Renewal date:** 03 December 2019

### List of goods

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

### Name and Address details

**Owner(s) name:** Gallaher Limited

Members Hill, Brooklands Road,  
Weybridge, Surrey, KT13 0QU, United  
Kingdom

**Country of Incorporation:** United Kingdom

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

**IPO representative name:** Marks & Clerk LLP

1 New York Street, Manchester, United  
Kingdom, M1 4HD

### Publication details

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

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Intellectual Property Office is an operating name of the Patent Office

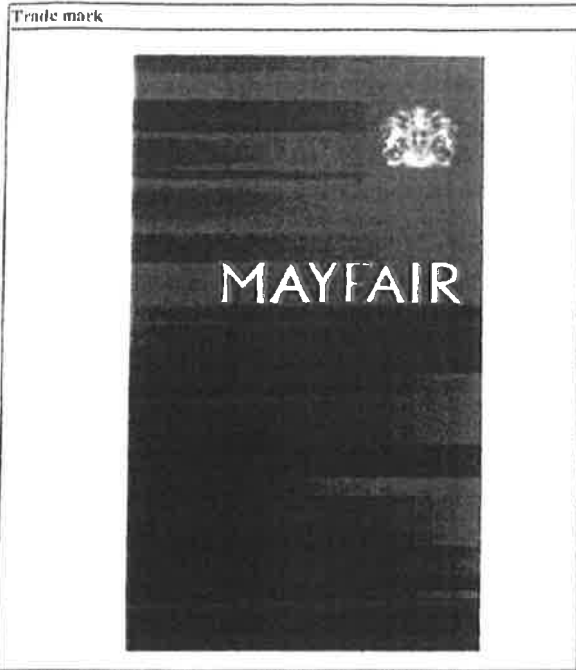
This is Exhibit 16/TS096 | KSI

Signed: .....

Dated: 14.4.16

Referred to in my Statement

Case details for trade mark UK00002521137



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

Relevant dates

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

List of goods

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


Name and Address details

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

Publication details

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

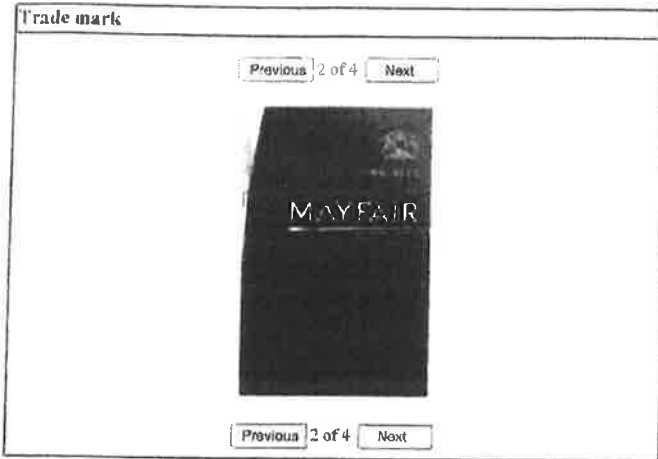
This is Exhibit 16/TS 096 | KS2

Signed: 

Dated: 14/04/16

Referred to in my Statement

Case details for trade mark UK00003065809



Number of marks in series: 4  
Status: Registered

Relevant dates

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

List of goods

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

Name and Address details

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

Country of incorporation: United Kingdom

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

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

Publication details

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

This is Exhibit 16/TS 096 | KS3

Signed: *AS*

Dated: 14/4/16

Referred to in my Statement

# Appendix AB4

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

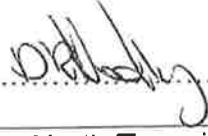
(Criminal Procedure Rules, r27.2 Criminal Justice Act 1967, s. 9;  
Magistrates' Court Act 1980, s. 5B)

Statement of David Richard Hedley

Age of Witness: Over 18

Occupation of Witness: Senior Trading Standards Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

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

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

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

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

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

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

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

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

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

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

DRH/1a





# NOTICE OF POWERS AND RIGHTS

North Tyneside Council

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

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

### ENTRY

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

(b) Inspection using Statutory Powers

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

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

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

(c) Search with Consent

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

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

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

### CONSENT TO USE EQUIPMENT

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

I HAVE READ AND UNDERSTOOD THE WARNING ABOVE

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

Code

TSD Copy

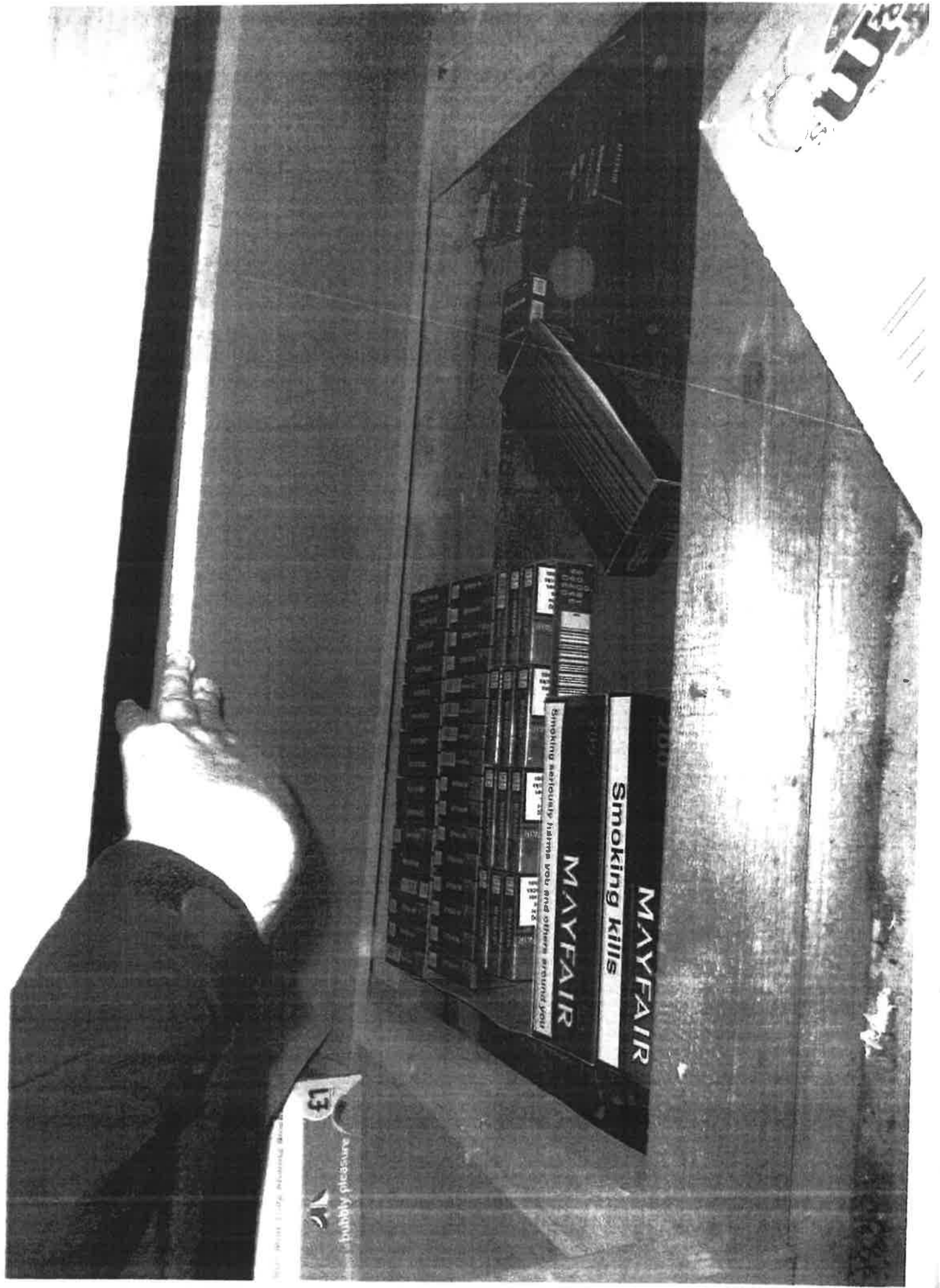
DRH/2a



DRH/3a



DRH/4a



1111

**MAYFAIR**  
**Smoking kills**  
**MAYFAIR**

SMOKING MATERNALLY HARMS YOU AND OFFSPRING BREASTFEED YOUR

15% TAR

1.1 mg. NICOTINE

1.1 mg. NICOTINE

1.1 mg. NICOTINE

13  
bubbly pleasure

100% TOBACCO BLEND

DRH/5a





North Tyneside Council

Working in partnership with  
**CAPITA**

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

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

Our Ref:  
Your Ref:

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

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

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

Dear Mr Nabi,

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

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

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

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

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

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

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

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

Yours faithfully,

David Hedley  
Senior Trading Standards Officer  
Trading Standards

DRH/8a

**TRADING STANDARDS**

**RECORD OF TAPE RECORDED INTERVIEW**

**Person Interviewed:** Ghulam NABI

Page 1 of 8

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

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

Signature of Interviewing Officer:

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

Signature of officer preparing record      Signed:

TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Ghulam NABI

Page 2 of 8

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

Signature of officer preparing record      Signed:

TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Ghulam NABI

Page 3 of 8

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

Signature of officer preparing record      Signed:

TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Ghulam NABI

Page 4 of 8

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

Signature of officer preparing record      Signed:

TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Ghulam NABI

Page 5 of 8

7.25

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

Signature of officer preparing record      Signed:

TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Ghulam NABI

Page 6 of 8

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

Signature of officer preparing record      Signed:



TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Ghulam NABI

Page 8 of 8

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

DH I take it that its only cigarettes and not alcohol

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

DH You bought from Cash & Carry and have the receipts

GN Yes

DH I have nothing further to add

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

Signature of officer preparing record Signed:

# Appendix AB5



NORTH TYNESIDE COUNCIL

21 MAY 2018

REFER TO:

FILE REF:

**WITNESS STATEMENT**

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

Statement of **James Neil Ferguson**

Age of witness: over 18

Occupation of witness: Anti-Illicit Trade Executive

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

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

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

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

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

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

They are in fact counterfeit.

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

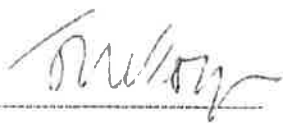
I produce a copy of the trademark certificate in respect of this brand **(JNF1)**

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

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

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

Signed \_\_\_\_\_

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



OHIM - OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET

OHMI - OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR

**CERTIFICATE  
OF REGISTRATION**

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

**CERTIFICAT  
D'ENREGISTREMENT**

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

N° 001266311

**RICHMOND**

*Registered/Enregistrée, 14/08/2000*

*The President/Le Président*



OHIM - OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET

OHMI - OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR

450 25/07/2000

210 001266311

220 04/08/1999

442 20/03/2000

541

732

Imperial Tobacco United  
Heron Road  
Southville, Bristol BS19 7UB  
GB

740

SIRYERS BERNETT & PERRINS  
1 St Augustin's Place  
Bristol BS1 4BB  
GB

270

GB FR

511

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

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

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

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

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

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

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

NL - 34 - Bewerks of onbewerks tabak; tabaksproducten; vervangende voor roken met als afzonderlijk of met tabak vermengd worden verkocht; geen hiervan voor medische of geneesmiddelen; artikelen voor rokers en lucifers.

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

FI - 34 - Käsitelly tai käsittelemättä tupakkaa; tupakkatuotteita; erikseen tai tupakkain sekoitettuna myytävät tupakkakorvikkeet; mittäkin osittain ole lääkekäyttöä tai hoitokäyttöä; tupakkatuotteita ja tulitusta.

SV - 34 - Tabak, bearbetad eller obearbetad; tobaksprodukter; ersättningsrök för rökning, såväl separat eller blandad med tabak; rök av denna sort för medicinska eller hälsöändamål; artiklar för rökare och tändsticker.



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

LOG7

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

Fax: 00 44-1179228009

Alicante, 27/07/2009

**Renewal of Community Trademarks**

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

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

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

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



Frédéric VENOT  
 ☎ +34 965 138 865

T003582057/001288311

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

# Appendix AB6

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RESTRICTED (when complete)



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

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

Statement of: David Richard Hedley

Age of Witness: Over 18

Occupation of Witness: Trading Standards Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Date the 8th day of August 2018 Signed DR Hedley

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

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

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

Signed DR Hedley

Dated 8/8/18

**RESTRICTED (when complete)**

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

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

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

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

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

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

Signed.....

Dated.....

**RESTRICTED (when complete)**

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

*Mr Ali Raza Nabi stated;*

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

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

Signed.....

Dated.....

DOCUMENT REFERRED TO IN MY  
STATEMENT

AS EXHIBIT ORH/a

DATED 2/8/8

SIGNED ORH/a



North Tyneside Council

Trading Standards Section

# NOTICE OF POWERS AND RIGHTS

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

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

### ENTRY

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

(b) Inspection using Statutory Powers

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

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

Other (Specify) CONSUMER RIGHTS ACT 2005 SCHEDULE 5

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

(c) Search with Consent

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

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

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

### CONSENT TO USE EQUIPMENT

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

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

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

Force used to gain access

Reason why force used

Details and circumstances of any damage caused

Summary of property seized (indicate reason for their seizure)

① 10 Richmond - counterfeit  
10 Turner tobacco

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

Notes

① Found in false till behind counter

② Found in fake shell behind counter

### SUMMARY OF POWERS AND RIGHTS

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

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

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

DOCUMENT REFERRED TO IN MY  
STATEMENT

AS EXHIBIT PR 12a

DATED 2/8/18

SIGNED [Signature]





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

### NOTICE OF SEIZURE

Name of Owner/Trader: Produce off Licence Ali Nabi  
Address: 4/5 Produce Street N/Sheets NE29 6QZ  
Legislation: Consumer Right Act 2015

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

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

Reason for seizure: Contaminated / Non duty paid

Signed DRM Authorised Officer Date 3/5/18  
Authorised Officer (CAPITAL LETTERS) DAVID HADLEY  
Owner/Representative Signature \_\_\_\_\_ Date 3/5/18  
Name of Owner/Representative (CAPITAL LETTERS) ALI NABI Position OWNER



North Tyneside Council

Working in partnership with

**CAPITA**

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

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

Our Ref:  
Your Ref:

Date: 24th May 2018

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

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

Dear Mr Nabi,

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

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

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

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

Before responding please note the following caution:

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

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

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

Yours faithfully,

David Hedley  
Senior Trading Standards Officer  
Trading Standards

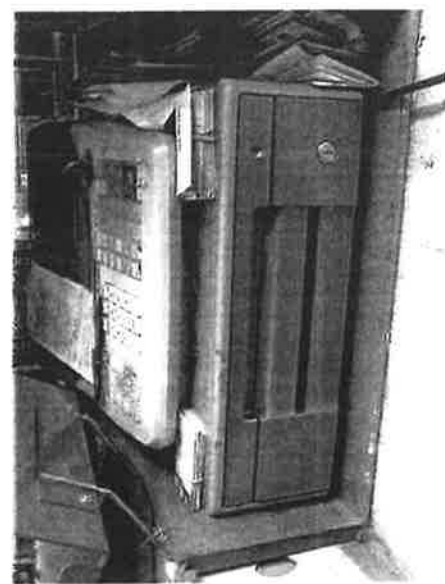
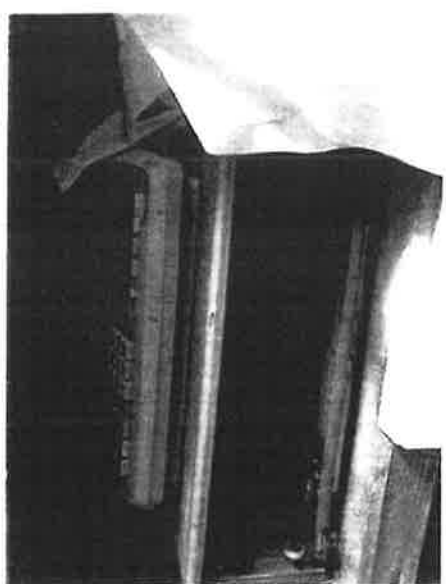
**DOCUMENT REFERRED TO IN MY STATEMENT**

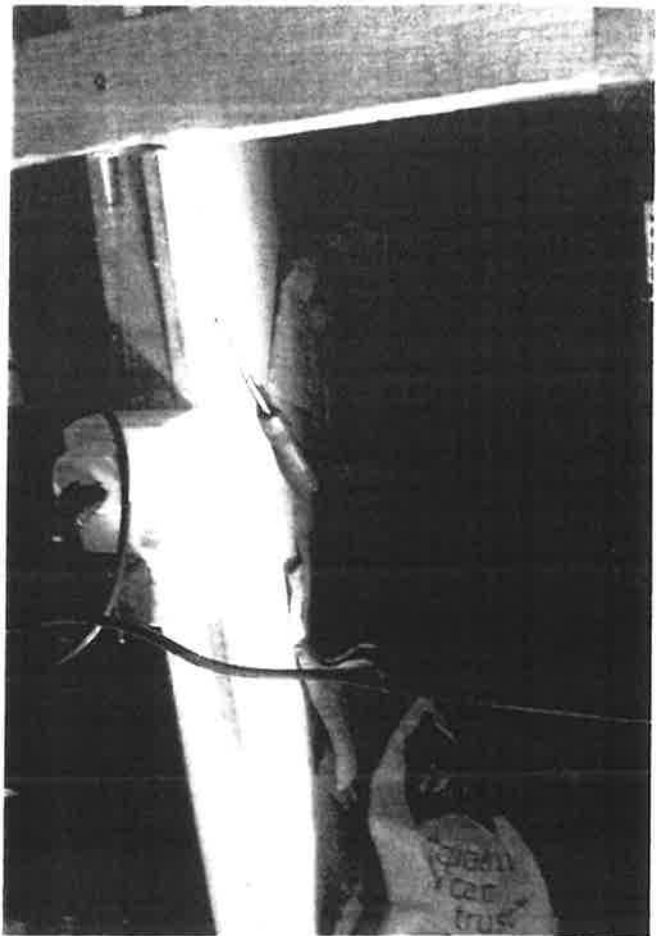
**AS EXHIBIT** DR43a

**DATED** 2/8/18

**SIGNED** [Handwritten Signature]

DRHIP

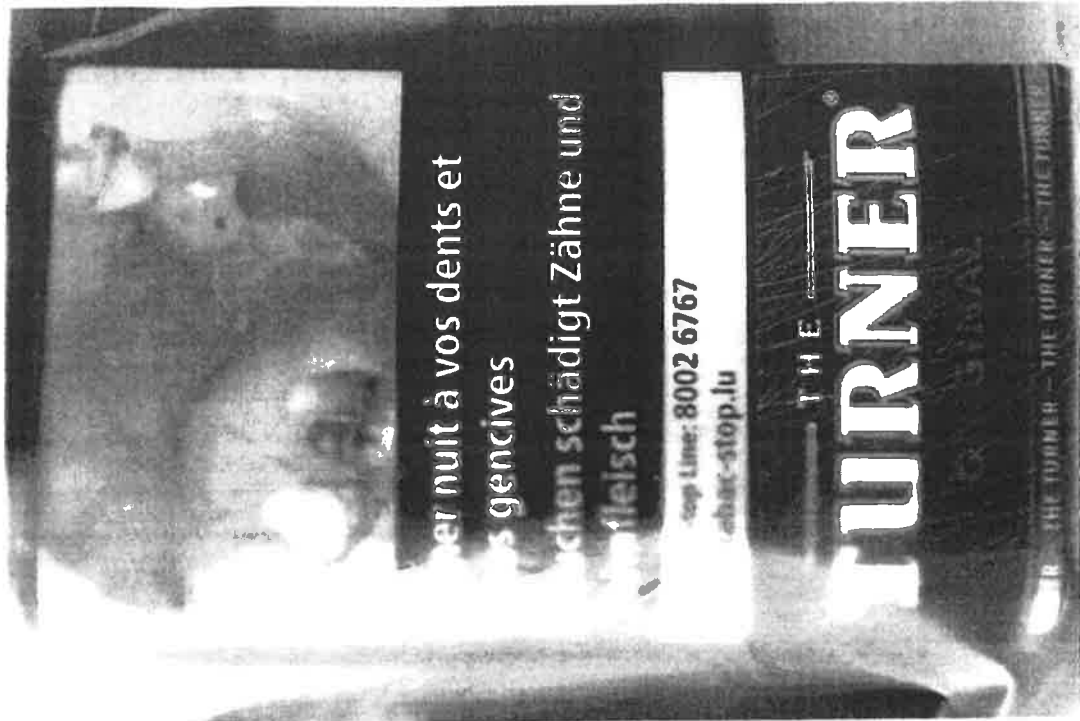




DRH 2P

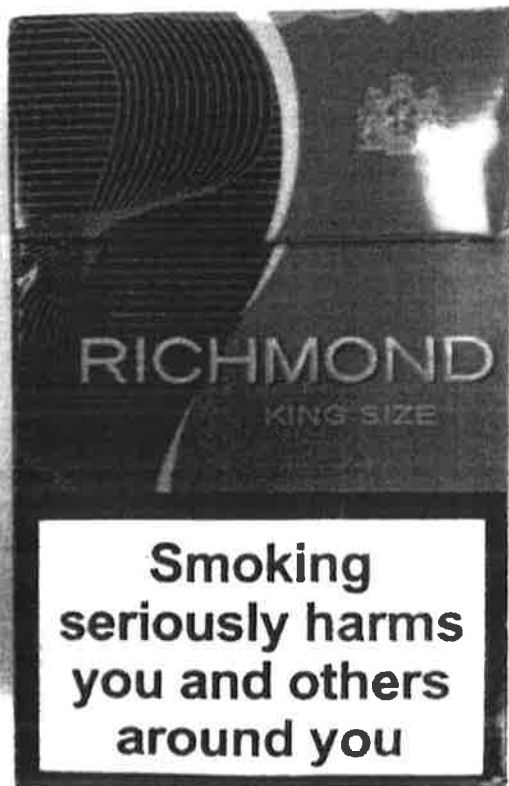
DRH 3P

20



DRH4P

25



DRASP



# Appendix AB7





18 MAR 2019
FILE FOR

**WITNESS STATEMENT**

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

**Statement of James Neil Ferguson**

Age of witness: over 18

Occupation of witness: Anti-Illicit Trade Executive

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

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

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

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

**Exhibit number DRH/REGAL/NF**

1 x 20 packet of branded Regal King Size cigarettes.

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

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

It is in fact counterfeit.

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

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

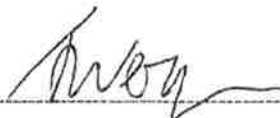
Imperial Tobacco Limited's products are subject to Regulatory and Quality Control. I cannot say if similar criteria are applied in the production of counterfeit products.

I returned the exhibits to David Hedley.

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

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

Signed

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

TRADE MARKS  
REGISTRY



REGISTRATION  
CERTIFICATE

Trade Marks Act 1994 of Great

Britain and Northern Ireland

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

REGAL

The mark has been registered in respect of:

Class 34:

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

In the name of Imperial Tobacco Limited

Signed this day at my direction

RON MARCHANT, REGISTRAR  
DATE 15 October 2004



Intellectual  
Property  
Office

Concept House  
Cardiff Road, Newport  
NP10 8QQ

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

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

08 March 2014

## CERTIFICATE OF RENEWAL OF TRADE MARK

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

---

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

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

# Appendix AB8



Working in partnership with  
**CAPITA**

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

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

Our Ref: MD/LA/PS

Your Ref:

Date: 23 January 2017

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

Direct Line: (0191) 6436621

Fax: (0191) 6432426

Dear Mr Nabi

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely

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

Alan Burnett

**Trading Standards and Licensing Group Leader**





Working in partnership with  
**CAPITA**

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

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

Our Ref: MD/LA/AN

Your Ref:

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

For the attention of Mr Ali Nabi

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

## MEMORANDUM

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

### **Licensing Act 2003 Section 146 Sale of Alcohol to Children**

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

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

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

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

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

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

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

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

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

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

Of which notice is hereby given.

.....

**Alan Burnett**

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

## Recommended Licence Conditions

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