

## **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



20<sup>th</sup> 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 23<sup>rd</sup> 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 6<sup>th</sup> 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.

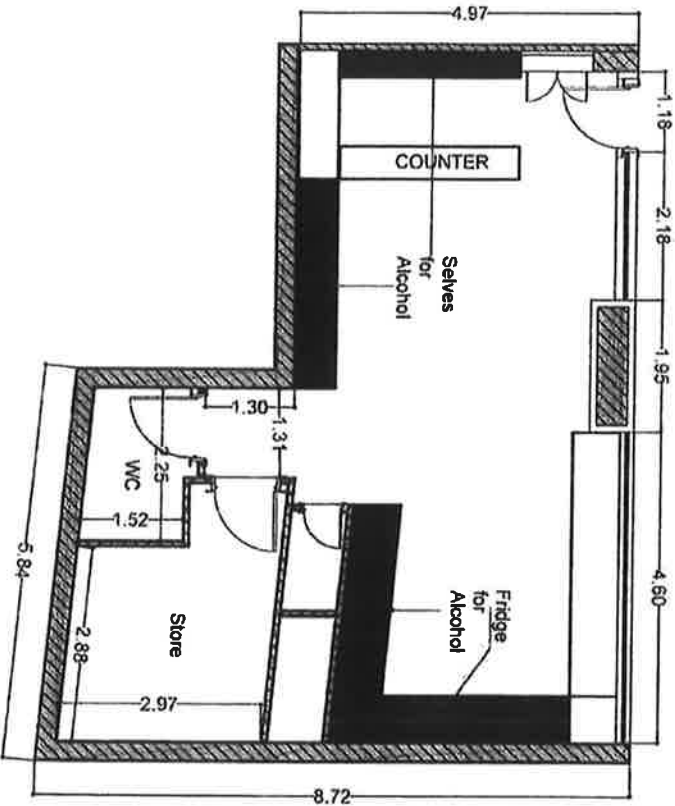
In the application the applicant stated he has applied to Gateshead council for his personal licence. Enquires were made to Gateshead licensing department, on the 7<sup>th</sup> January 2022, to see if an application has been made by Mr Sardar Dara, for his personal licence. At the date stated on this 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.

# 51 NILE STREET NORTH CHICAGO



## 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 working boundaries are to be used as a guide only. H&V shall be responsible for the accuracy of the drawings and shall be liable for any errors.
- All work is 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 brown hatched 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 contained on this drawing is to be used solely for COORDINATION purposes.
3. Design information is to be used in conjunction with all referenced drawings and documents.
4. Any proposed ground or floor level works are to be determined by the architect.

DRAWN BY: ALI SAH

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 SAH

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 23<sup>rd</sup> 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

Signed .....S PRESTON.....

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

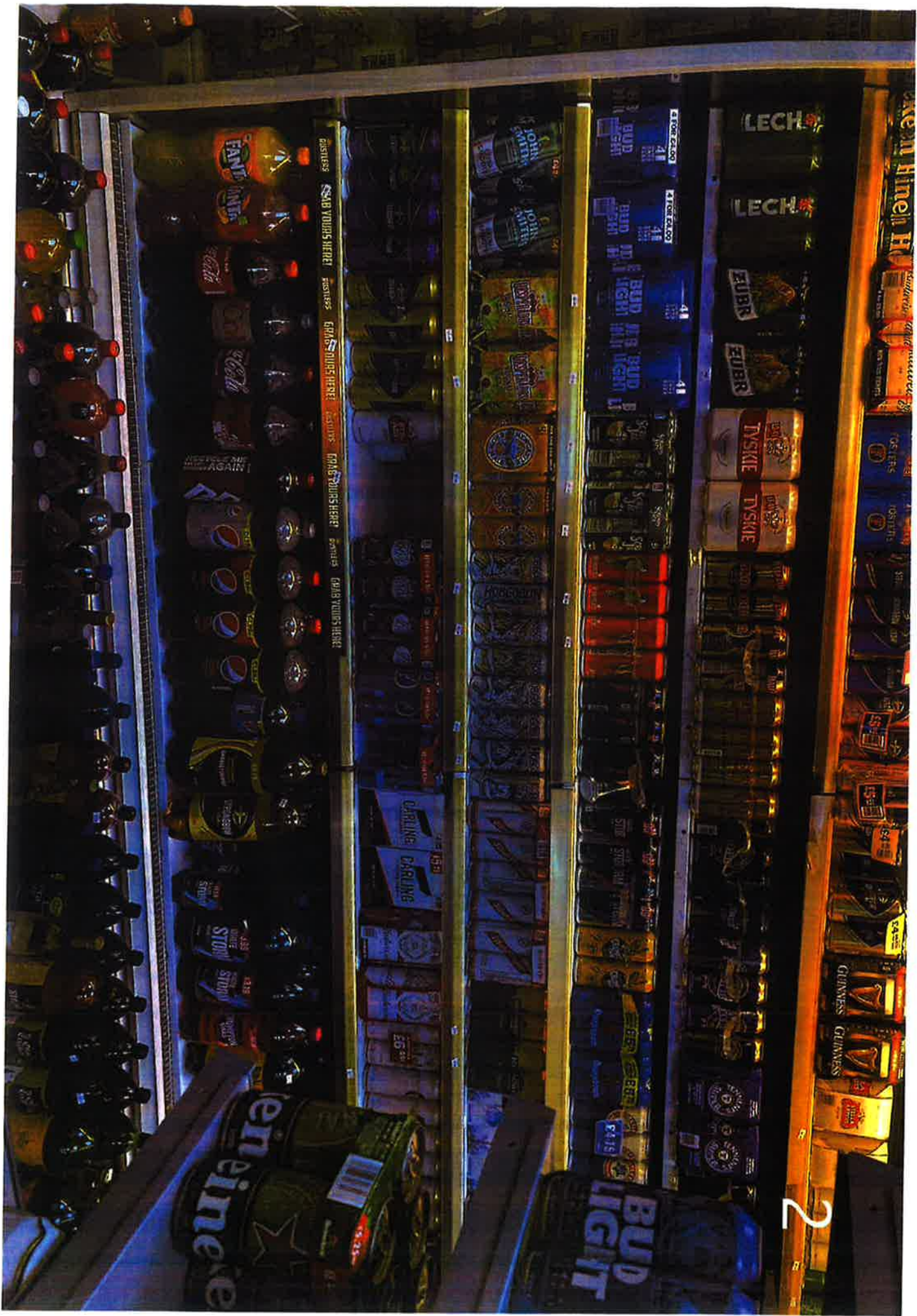
The member of staff present gave his details as Shirwin Salah OMAR. He was not fluent in English however another male entered the store who appeared to know OMAR. This male spoke with staff from North Tyneside Council who took his details. The male acted as a translator for OMAR. Initially OMAR was reluctant 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

Signed .....S PRESTON.....



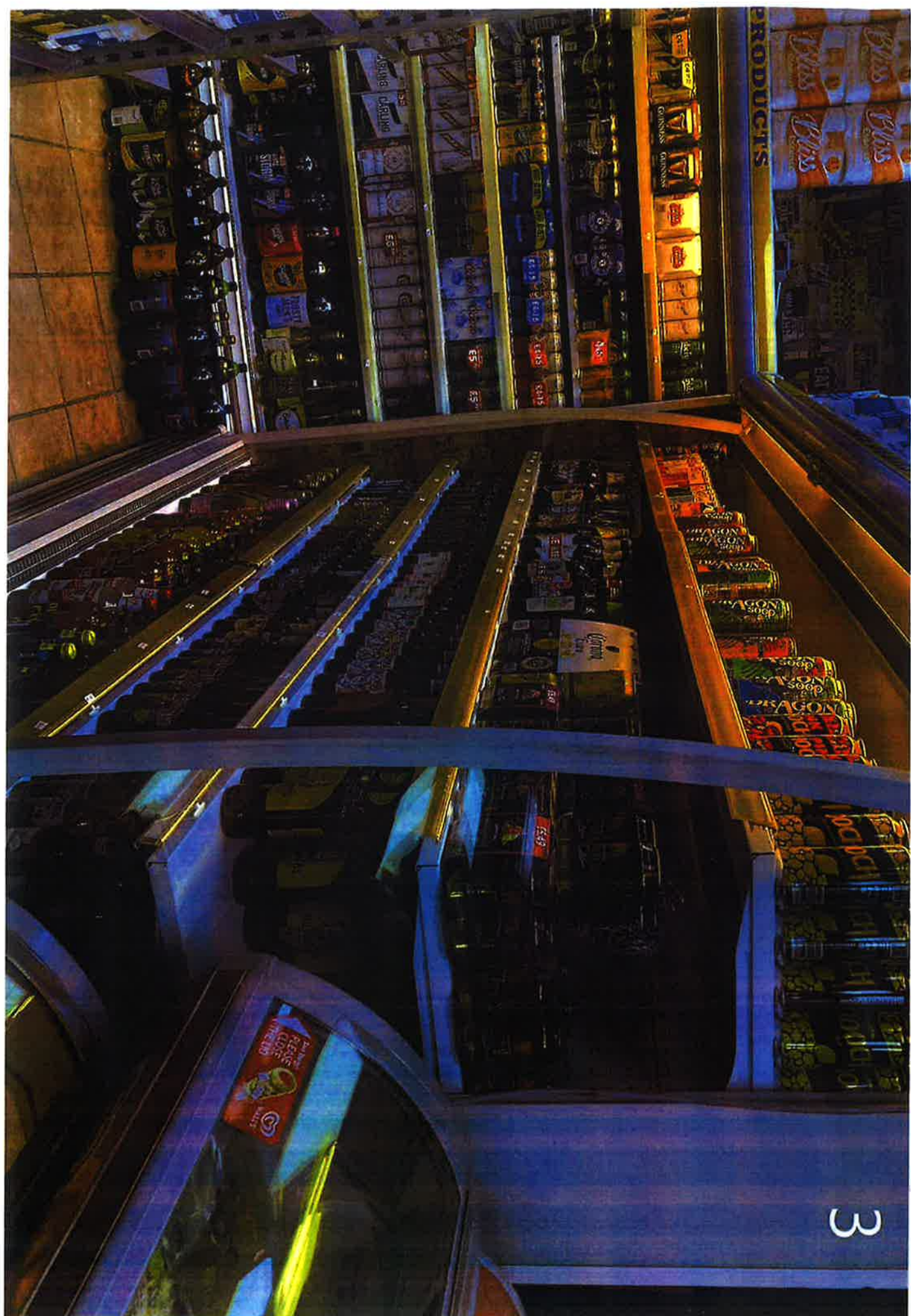












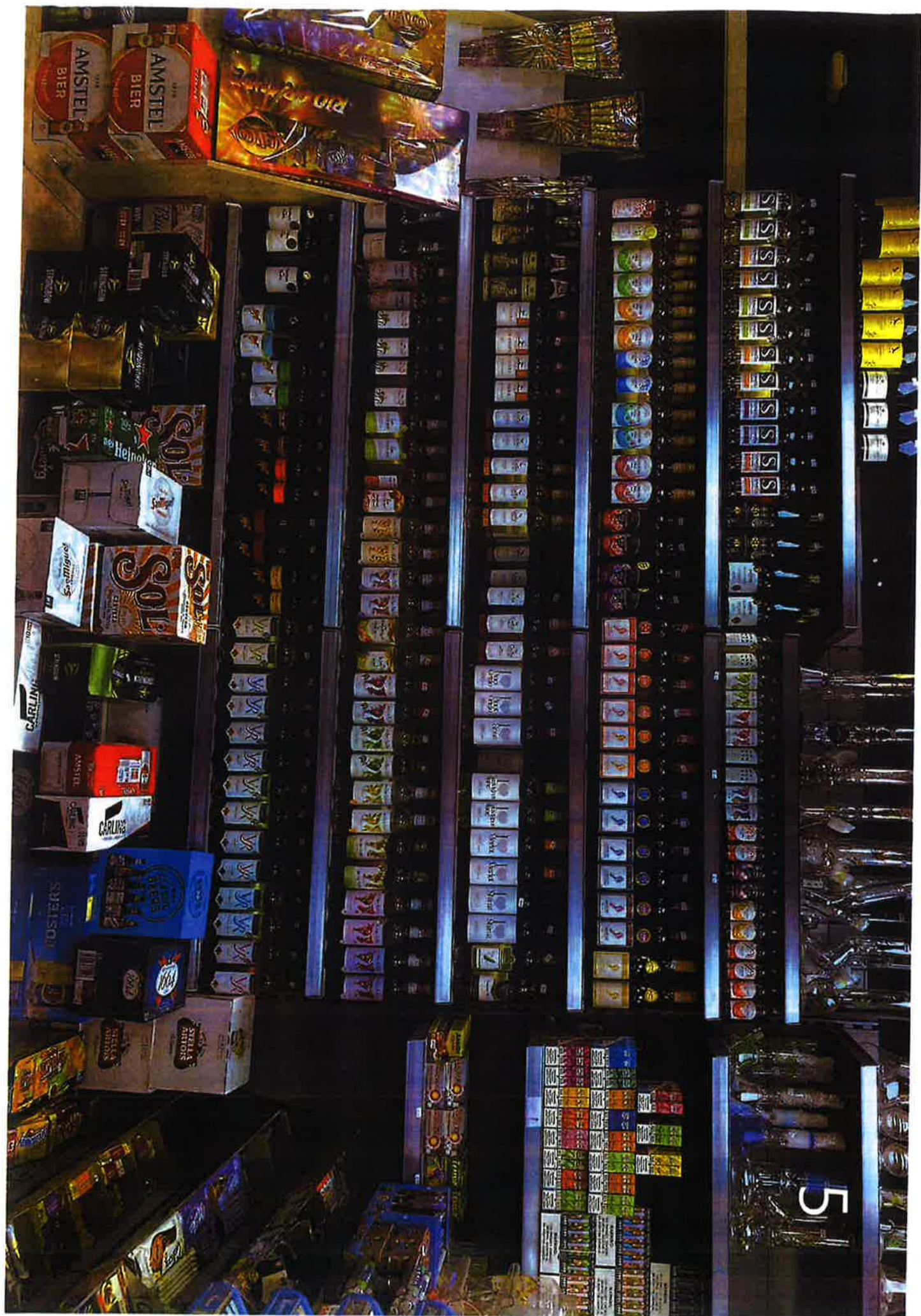












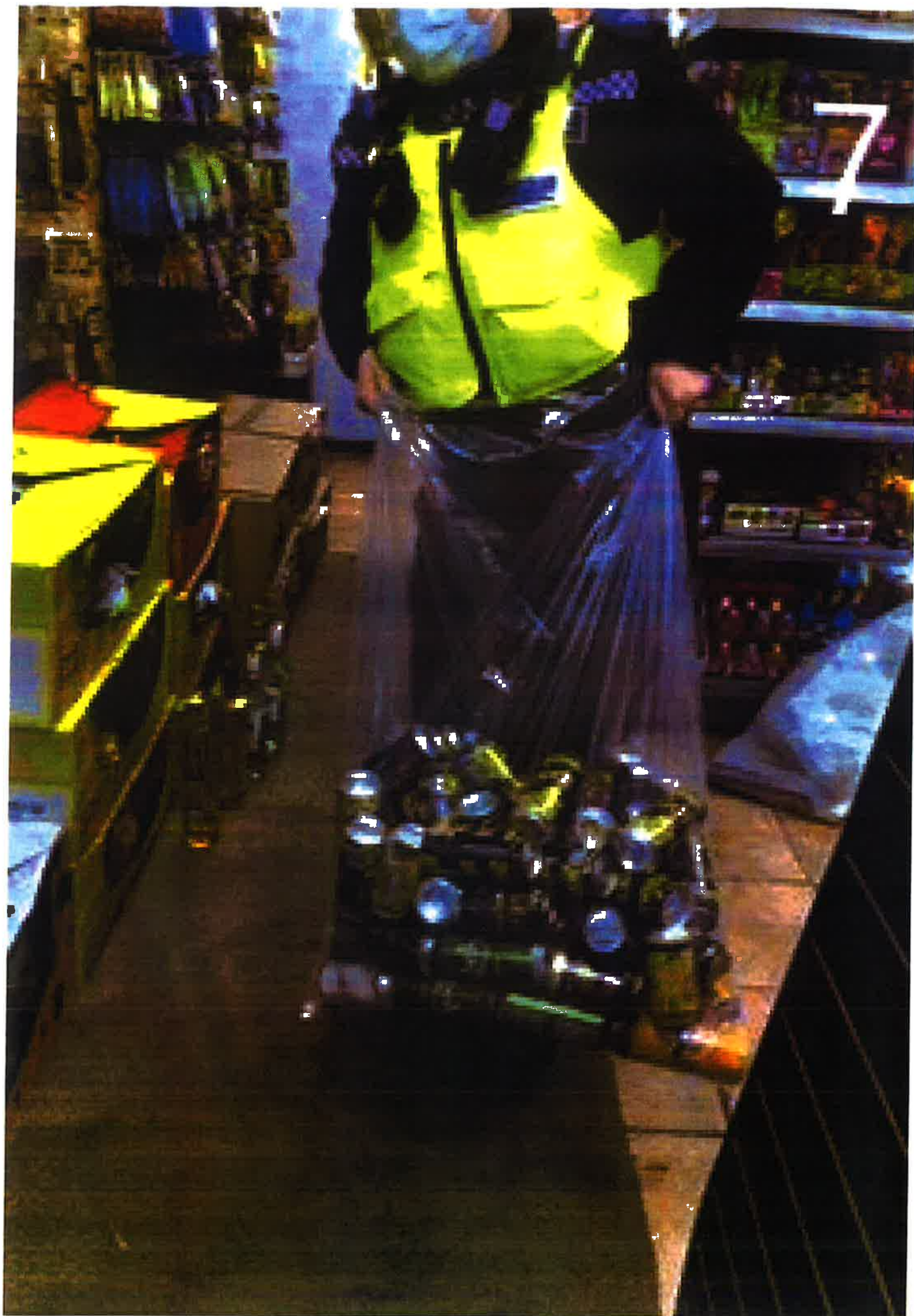


















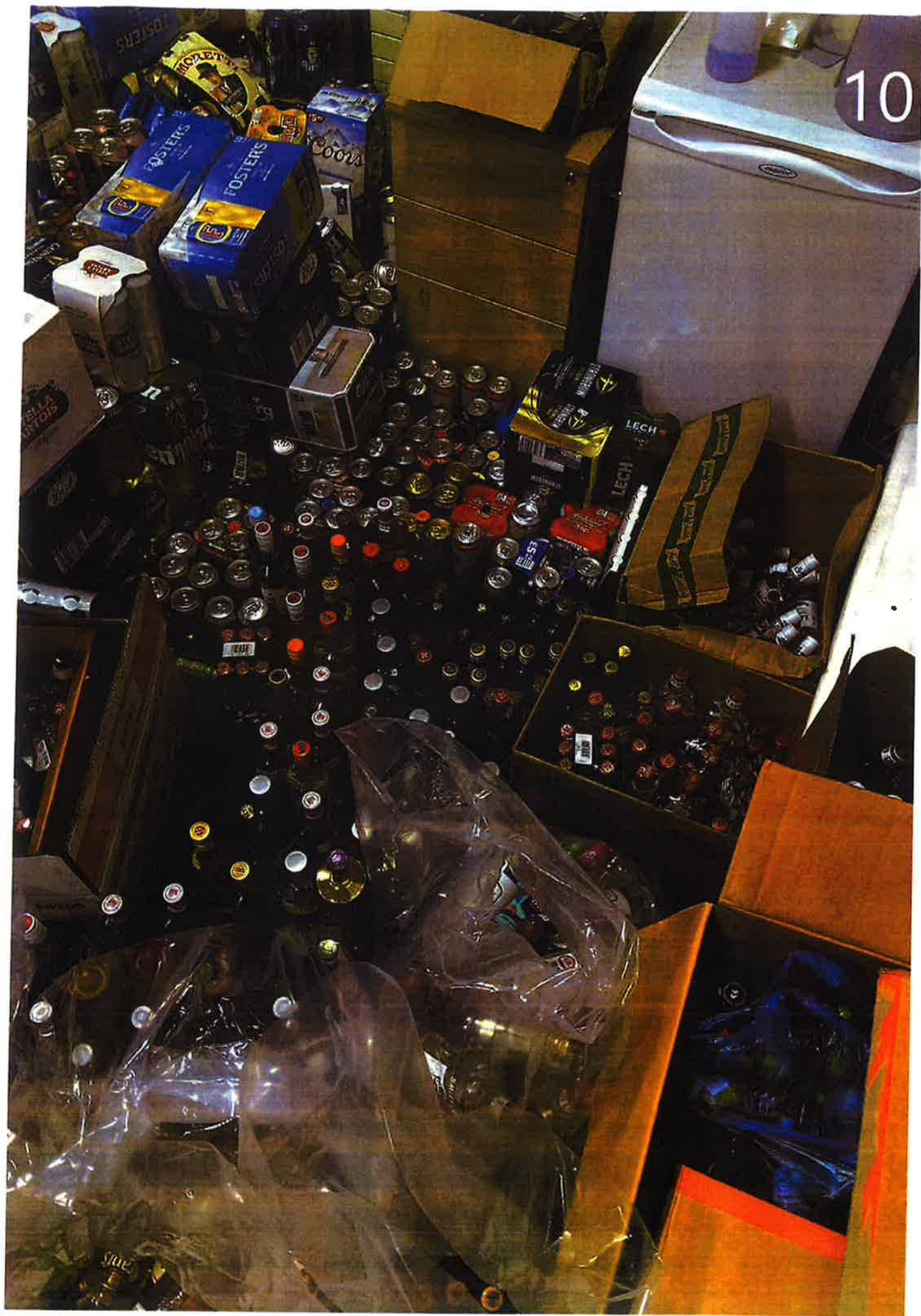






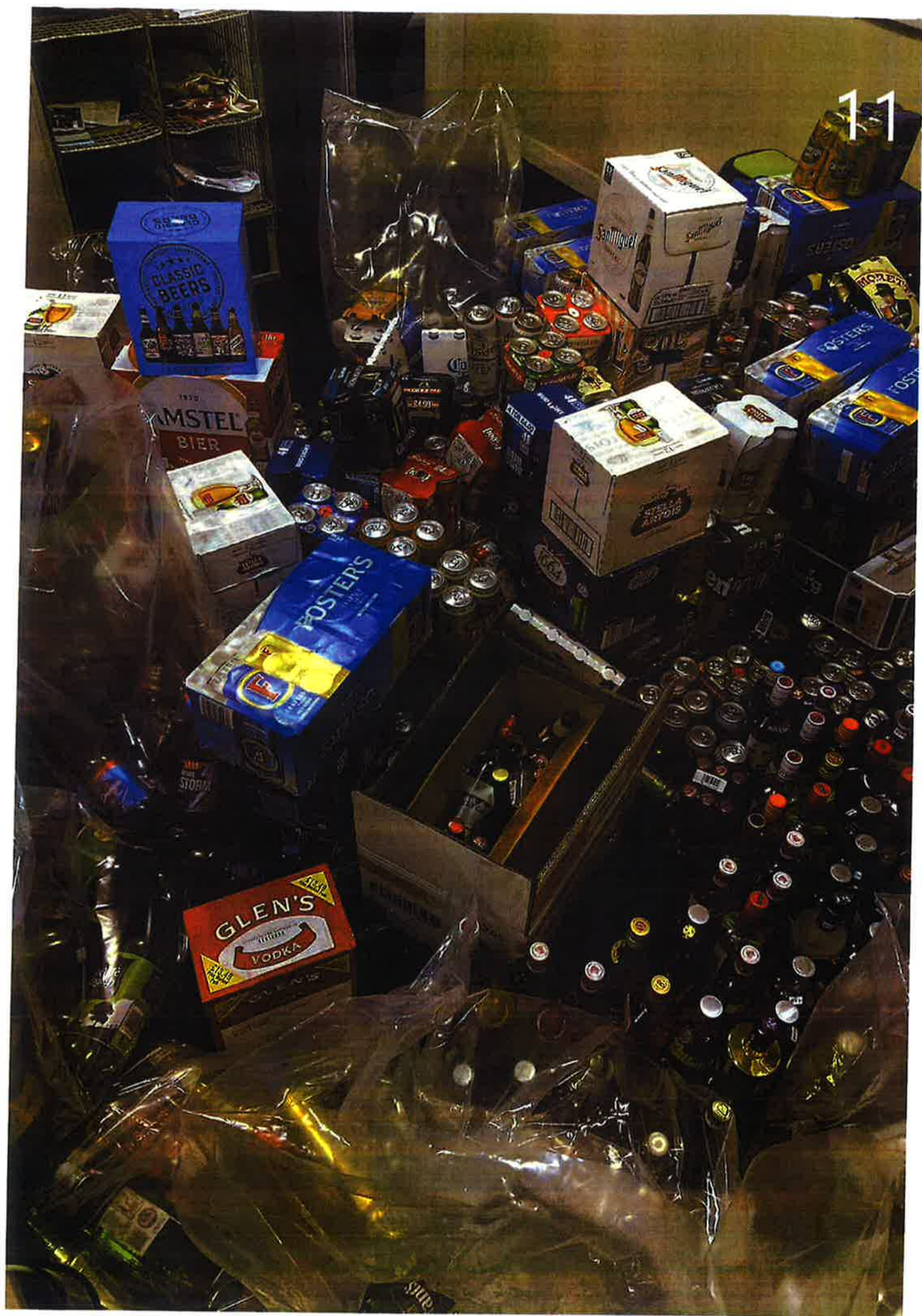


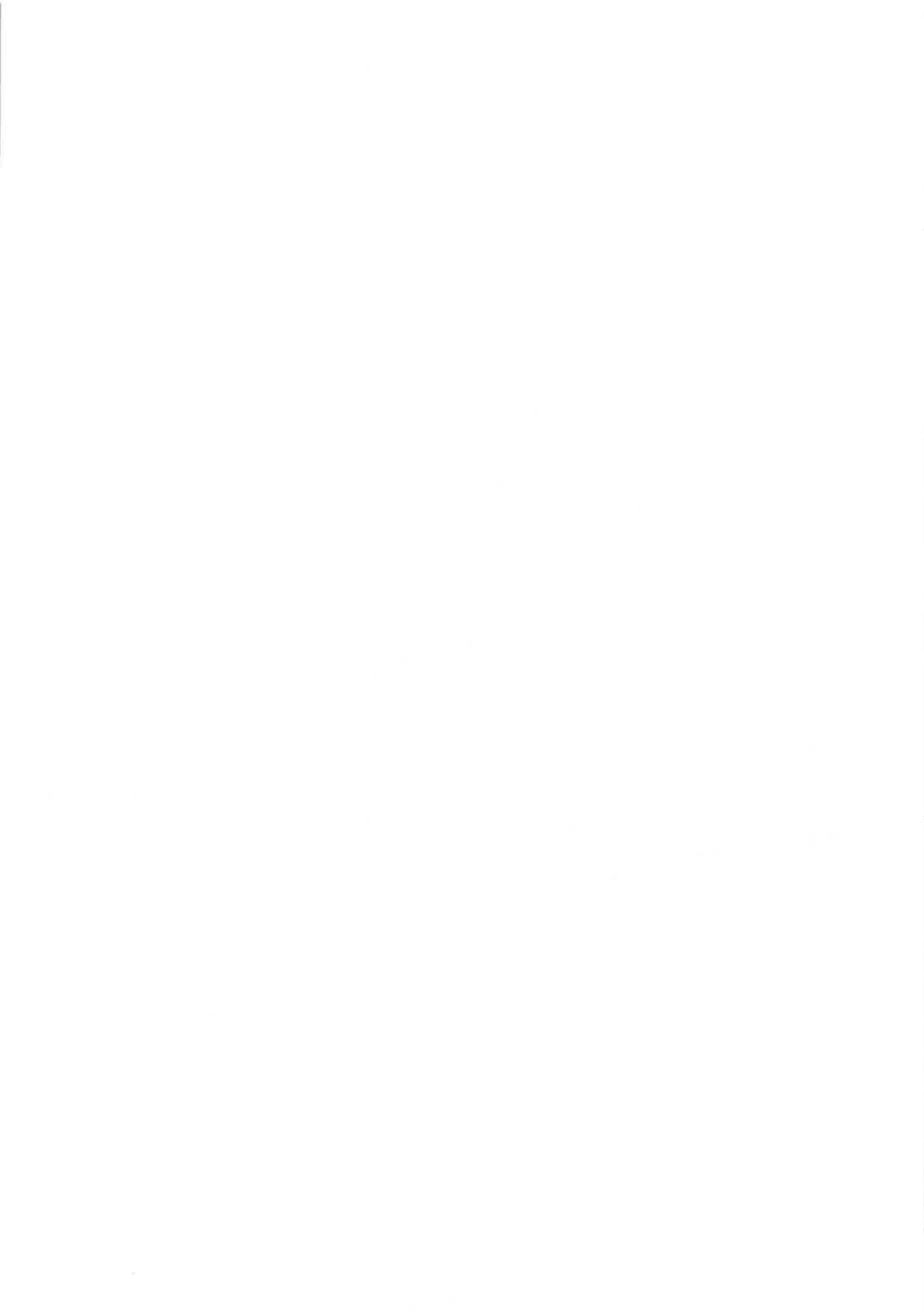




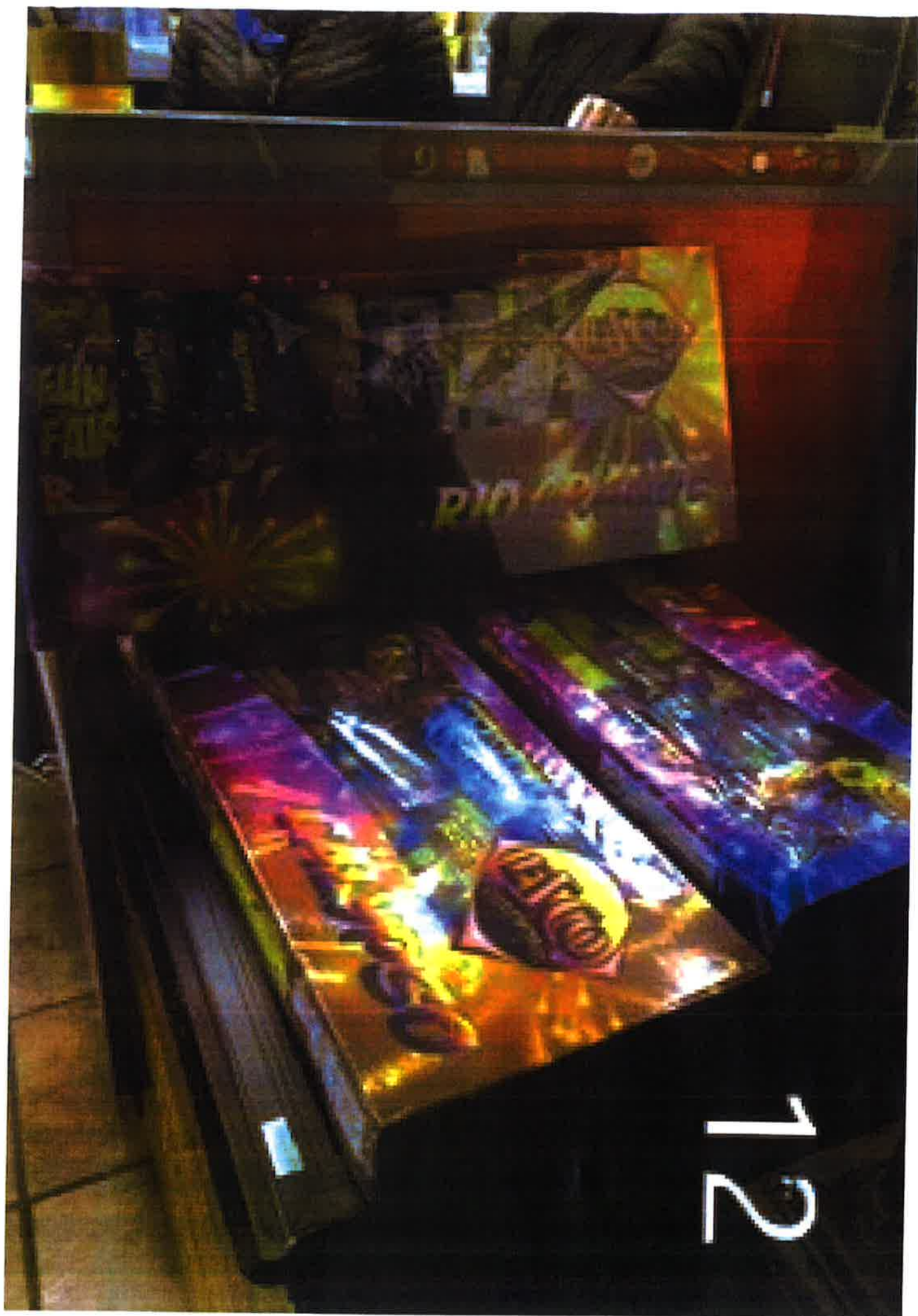


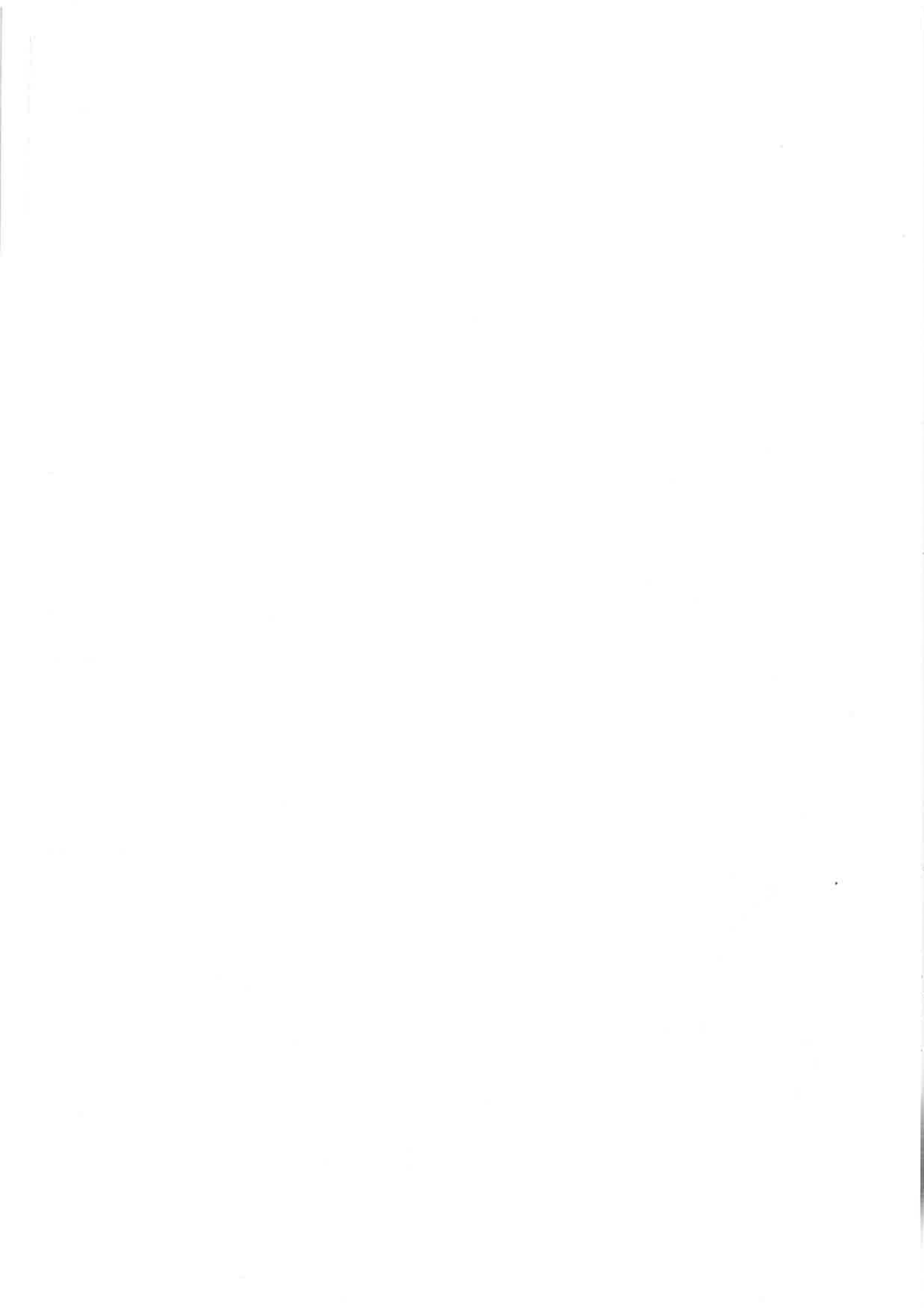
























**North Tyneside Council**

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

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
<b>Total Hand Rolling Tobacco</b>		<b>6.6kg</b>	
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
<b>Total Cigarettes</b>		<b>8,620</b>	

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 22<sup>nd</sup> 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)*

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### 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

**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: **David James PAGE****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.

Signature: <sup>1</sup> **David PAGE**Date: **04/02/2022**Indicate if witness evidence is visually recorded<sup>2</sup> **No** (If YES, see guidance)**3**

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:

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

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**

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

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\* In the "Previous allegation" as I am unable to confirm the brands and quantities, I have used the same methodology.

The data listed here have been calculated as being:

② 2000 年 12 月 31 日

[illegible]

REF ID: A6758 13

... - number 7071

Date: 04/02/2022

Signature: David PAGE  
(Signature of witness)

Signature: Enter Name  
(Signature witnessed by)

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

May 2019

OFFICIAL

MG11T HMRC



Statement of: David James PAGE

URN: 88/Code/CAN/YY

Taxable value of the goods as at 16 November 2020, on

cost of the retail price plus £244.78 per thousand

cigarettes as at 16 November 2020 is

£244.78 per thousand cigarettes as at 16 November 2020 is

£244.78 per thousand cigarettes as at 16 November 2020 is

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price of the goods is

One of the goods is

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£244.78 per thousand cigarettes as at 16 November 2020 is

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



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				
						<b>£2,805.53</b>

PART B - HAND ROLLING TOBACCO ('HRT')

Serial	Brand	Pouch size (kg)	Quantity	Total weight of HRT (kg)	Duty rate per kg	Duty liability
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
						<b>£1,791.24</b>



## 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](http://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.

<sup>1</sup>This 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.



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