

LICENSING SUB-COMMITTEE

AGENDA



Tuesday 29 August 2023

at 9.00am

**in Committee Room C,
Civic Centre, Hartlepool.**

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Darby, Dunbar and Smith

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
 - 3.1 Application for the review of a premises licence – Lifestyle Express (Top Shop), Jesmond Gardens, Hartlepool – *Assistant Director, Regulatory Services*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

LICENSING ACT 2003

Procedure for Review Hearings



Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. The Assistant Director (Regulatory Services) outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Assistant Director (Regulatory Services).
4. Applicant for Review presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible bodies/interested parties and/or their witnesses.
8. Licence/Club Certificate holder presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
9. Parties may question and clarify issues raised with the consent of the Chair.
10. If required, applicant/responsible bodies/interested parties to be given opportunity to sum up.
11. If required, the Licence /Club Certificate holder to be given opportunity to sum up.
12. Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
13. Members to go into closed session to deliberate.
14. Chair informs parties of their decision, with reasons.

Report of: Assistant Director, Regulatory Services

Subject: APPLICATION FOR THE REVIEW OF A PREMISES
LICENCE – LIFESTYLE EXPRESS (TOP SHOP)
JESMOND GARDENS, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence in respect of Lifestyle Express (Top Shop) 66-68 Jesmond Gardens, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Party requesting review: Trading Standards
- 2.2 The current premises licence holder is: Mr Aniruth Sivalingam
66-68 Jesmond Gardens
Hartlepool
TS24 8QS
- 2.3 A copy of the licence is attached as **Appendix 1**.
- 2.4 A copy of the review application is attached as **Appendix 2**.
- 2.5 Google streetview images of the property are attached as **Appendix 3**.
- 2.6 The application for review refers to the following licensing objective:
- Prevention of Crime & Disorder

3. BACKGROUND

- 3.1 Trading Standards have requested a review of the Premises Licence of Lifestyle Express (Top Shop), Jesmond Gardens, Hartlepool as they state the premises licence holder is allowing the sale of illegal age restricted products to the public.
- 3.2 Lifestyle Express (Top Shop) current premises licence authorises the off sale of alcohol between 0600 and 2300 hours seven days a week.
- 3.3 The application for the review has been advertised in the prescribed manner.

3.1

- 3.4 In May 2023 the Trading Standards team received complaints that illegal vapes were being sold from under the counter to children. On the 17th May a test purchase was made and confirmed that illegal vapes were being sold. A warrant was obtained by Teesside Magistrates and was conducted on the 6th June 2023, in total 1214 non-compliant vapes were seized. Members of the Trading Standards team have provided written statements and evidence to support the review application, attached as **Appendix 4**.

4. ISSUES

- 4.1 An application for the review of a licence is made under Section 51 of the Licensing Act 2003.
- 4.2 The application must relate to at least one of the Act's 'licensing objectives' which are: -
- i) The prevention of crime and disorder;
 - ii) Public safety;
 - iii) The prevention of public nuisance; and
 - iv) The protection of children from harm

- 4.3 The application for review relates to allegations that the premises licence holder is allowing the sale of illegal vapes from the premises. It is further alleged that the illegal vapes were being sold to children.

- 4.4 Statutory guidance that accompanies the Licensing Act 2003 states: -

Para 11.28 '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.'

- 4.5 Having considered the evidence detailed in this report and any further information provided, or representations made, at the licensing hearing, the steps available to the Licensing Sub-committee are: -
- To take no action;
 - To modify the conditions on the licence;
 - To remove or amend licensable activities currently authorised by the licence and/or the times that they may take place;
 - To suspend the licence for a period not exceeding three months;
 - To revoke the licence.

5. RECOMMENDATIONS

- 5.1 That Members consider the representations made and determine what action, if any, should be taken.



THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/423

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference, or description

Top Shop
 66 – 68 Jesmond Gardens

Post Town Hartlepool

Post Code TS24 8QS

Telephone number 01429 266659

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence. Any entertainment authorised by this licence is limited to indoors only, unless stated otherwise.

Supply of Alcohol (off sales)

This licence does not authorise the provision of adult entertainment.

The time the licence authorises the carrying out of licensable activities.

Monday to Sunday 06:00 to 23:00

The opening hours of the premises

Monday to Sunday 06:00 to 23:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Off Sales

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Aniruth Sivalingam
66-68 Jesmond Gardens
Hartlepool
TS24 8QS

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Aniruth Sivalingam
66-68 Jesmond Gardens
Hartlepool
TS24 8QS

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

HART/PL/1115
Hartlepool Borough Council

Date licence granted: 23rd January 2020

ANNEX 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

3.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (2) For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula—

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

where—

- (I) P is the permitted price,
 - (II) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (III) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a

licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994⁽⁷⁾.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 – Conditions consistent with the Operating Schedule

1. The Premises shall have a CCTV system that complies to a minimum approved standard set in partnership with Cleveland Police. The System will also be maintained at regular service intervals and always record when the premises is open for business. Where more than one camera is in operation, at least one shall be permanently directed at the sales counter so as to record all sales taking place. Images recorded by the system shall be retained for a minimum of 28 days and shall be made available to police officers or other authorised officers on request within 72 hours unless the circumstances are serious enough that the footage be required immediately.
2. A “Challenge 25” policy shall be operated at the premises at all times. Customers attempting to purchase alcohol who appear to be less than 25 shall be challenged by staff to produce passport, photo driving licence or a PASS approved Proof-of -Age card. No other form of identification shall be accepted.

The policy shall be documented and all staff must have received sufficient training to ensure they understand it and can comply with it. A Written record shall be maintained detailing when the Challenge 25 training was provided and shall be signed as confirmation by the member of staff to whom the record relates. The policy and training record shall be made available for inspection by Police Officers or other authorised officers. A Challenge 25 Notice or Poster shall be visible at the entrance to the premises and at each point of sale to both inform the public and remind staff of the policy.

3. Only valid passports, UK “photo card style” driving licences, PASS approved Proof-of-Age cards or Ministry of Defence ‘Form 90’ identification cards shall be accepted as proof-of-age.
4. At the sales counter there shall be a means of alerting or reminding staff to verify the age of a prospective purchaser whenever an age restricted product is presented for purchase.
5. The business must maintain a refusals book to record all occasions where the supply of alcohol has been refused including dates/times, staff member and description of the incident. The Designated Premises Supervisor/Store Manager/Business Owner is to check the book and sign/date it at least every 28 days.
6. To ensure that all staff are aware of their responsibilities in relation to underage sales, each member of staff who is authorised to sell alcohol must attempt one of the following:-
 - (a) The Alcohol Sales written quiz (Document TSAS1 as produced by Hartlepool Trading Standards) OR
 - (b) An alternative written test covering at least the following areas in sufficient detail, namely age limits, Challenge 21 or 25 policies, knowledge of acceptable id cards and challenging customers for proof of age identification.

A person is only permitted to supply alcohol after completing one of the requirements specified above to the satisfaction of the Designated Premises Supervisor or another suitable person appointed by the Premises Licence Holder.

Such a challenge must be attempted at least once every three years to help ensure competency or else the staff member shall not be authorised to supply alcohol.

The most recent completed written test shall be made available to Responsible Authorities for inspection upon request.

7. There will be a minimum of two notices displayed on the premise indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under age the age of 18 are committing an offence.

ANNEX 3 – Conditions attached after a hearing by the Licensing Authority

NONE

ANNEX 4 - Plans

YOU ARE REMINDED THAT IT IS YOUR LEGAL OBLIGATION TO ATTACH THE CURRENT 'PLAN' TO THIS PREMISES LICENCE AND KEEP THIS LICENCE (OR A CERTIFIED COPY) IN A SECURE PLACE AT THE LICENSED PREMISES.

IT IS AN OFFENCE NOT TO PRODUCE YOUR PREMISES LICENCE (INCLUDING THE PLAN) UPON REQUEST BY A POLICE OFFICER, LOCAL AUTHORITY OFFICER OR AUTHORISED PERSON.

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



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Josh Maitland

(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 or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Lifestyle Express (Top Shop) 66-68 Jesmond Gardens	
Post town Hartlepool	Post code (if known) TS24 8QS

Name of premises licence holder or club holding club premises certificate (if known) Aniruth SIVALINGAM

Number of premises licence or club premises certificate (if known) HART/PS/423
--

Part 2 - Applicant details !

I am

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)

☐

1. a responsible authority (please complete (C) below)

☒

2. 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

Please tick ☐ yes

I am 18 years old or over

☐

**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 Mr Josh Maitland Graduate Trading Standards Officer Public Protection Civic Centre Hartlepool TS24 8AY
Telephone number (if any) 01429 523364
E-mail address (optional) Josh.maitland@hartlepool.gov.uk

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

- | | |
|---|-------------------------------------|
| 1. the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2. public safety | <input type="checkbox"/> |
| 3. the prevention of public nuisance | <input type="checkbox"/> |
| 4. the protection of children from harm | <input type="checkbox"/> |

Please tick one or more boxes ☐

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

I am requesting the review on behalf of Hartlepool Borough Council's Trading Standards department - a Responsible Authority under the Licensing Act 2003. I believe the current trading practices at *LifeStyle Express* are contradicting the 'Prevention of Crime and Disorder' Licensing Objective.

The emergence of non-compliant disposable electronic cigarettes on the Market and their popularity amongst children is a legitimate concern for Trading Standards Services and Public Health officials. In July 2022, Hartlepool Trading Standards wrote to all traders in the area advising them on the law regarding their sale. The letter advised that enforcement action would be taken against traders found to in possession of them and that the department would consider reviewing their premises' licence as a result. This letter was sent to Lifestyle Express at the time.

During May 2023 Trading Standards received anonymous complaints stating that the shop was selling "illegal vapes". One of the complainants stated the shop sells legal vapes which are on display but they also sell 'illegal' ones which are stored beneath the counter. 'Vapes' is a term used to describe electronic cigarettes.

In response to the information, on 18th May 2023, a test purchase attempt was made by an officer from the Public Protection Department. Upon

approaching the counter to be served the officer witnessed legal electronic cigarettes being offered for sale in a cabinet near the till. The officer asked the male serving if they had any of the bigger ones who replied what flavour and proceeded to provide an extensive list of what was available. The officer made a choice and was sold an Elux Legend 3500 for £10. The device was taken from a concealed and out-of-site place behind the counter. Elux Legends cannot be legally sold in the UK.

In addition to the test purchase, during the same week, an officer observed empty non-complaint electronic cigarette packaging on the floor outside the shop. It has been identified that empty packaging outside a shop is a good indicator that the shop is supplying the products. As some customers, immediately after purchasing, leave the shop and discard the packaging on the floor.

On 6th June 2023 Trading Standards along with Cleveland Police executed a search warrant at the premises which included the flat above. In total 1214 non-complaint devices were seized with an estimated total street value of £12,140. The devices were seized from out-of-sight spaces below the counter, on a stair case leading to the flat and from a room in the flat. The legally complaint devices were on display in the shop.

On the 4th July 2023 the licence holder, Mr Aniruth SIVALINGHAM, was interviewed under caution in relation to the supply of non-compliant electronic cigarettes. He stated that he knew that the devices were illegal to sell but they were on his premises by mistake. He stated that he had ordered complaint devices from a man he only knows as "Mo" but then the illegal ones had been delivered by mistake. He stated that he was attending a wedding over the weekend before the warrant was executed so he did not notice the mistake until he returned on Monday 5th June 2023. He stated that after he had returned he stopped selling the devices.

Mr SIVALINGAM's account of events are not compatible with evidence gathered during the investigation. The test purchase was made on the 17th May 2023 which was initiated by a prior complaint that the premises were selling illegal devices. The CCTV images also show a permanent member of staff selling a non-compliant device moments before the raid.

It is Trading Standards contention that the illicit supply of these items casts significant doubt on the Licence holder's suitability to be licensed to sell alcohol. The facts of the case show the individuals at the premises knew they were breaking the law; having had warning of the illegality of the products and chose to try and conceal such items beneath the counter to avoid detection. It is therefore our department's opinion that the individuals at the premises are deliberately opposing the objective to prevent crime and disorder.

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

To support my application supporting evidence will be provided by myself, Mr Daniel Briggs (Senior Trading Standards Officer), Mr Neil Harrison (Senior Trading Standards Officer), Rachael Readman (Senior Trading Standards Officer) and Chloe Bartley (Regulatory Compliance Officer Apprentice).

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

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

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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

.....

Date **10/07/2023**

.....

Capacity **Graduate Trading Standards Officer**

.....

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

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

**The Licensing Team
Hartlepool Borough Council
Civic Centre**

REV01

Hartlepool
TS24 8AY

Appendix 3 – Street View Images of Lifestyle Express (Top Shop) Jesmond Gardens



STATEMENT OF WITNESS

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

Statement of **Josh Maitland**
(Full name)

Age of witness (if over 18 enter "over 18") **Over 18**

Occupation of witness **Graduate Trading Standards Officer**

This statement (consisting of 1 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.

Dated the 19th day of June 2023

.....
(Signed)

I am the above named person and I am currently employed as a Graduate Trading Standards Officer for Hartlepool Borough Council's Public Protection Department located at the Civic Centre, Victoria Road, Hartlepool TS24 8AY.

During May 2023, Hartlepool Trading Standards Service received complaints that Lifestyle Express located at 66-68 Jesmond Gardens, Hartlepool was selling "illegal vapes". One of the complainants stated that the shop sold "legal vapes" which were on display to customers but they also sold illegal ones which were stored out-of-sight below the counter and in the flat upstairs.

In response to the complaints, I asked Miss Chloe Bartley, a Regulatory Compliance Officer Apprentice for the Public Protection Team, to conduct a test purchase at the premises. On the 17th May 2023 Miss Bartley informed me that she had purchased an "Elux Legend 3500 Puff" electronic cigarette for £10. As these devices cannot be legally sold in the UK, I obtained a magistrates authorised search warrant to search the premises and flat above.

On the 6th June 2023 I was the leading officer when a search warrant was executed at both 66-68 Jesmond Gardens and 66a Jesmond Gardens. As I was approaching the premises I witnessed a blonde female leaving the shop with what

Signed

appeared to be a non-complaint electronic cigarette in her hand and get in a vehicle which was parked on the road outside the shop.

Upon entering the premises at approximately 10:06am I approached the counter and explained to the male serving what was happening. I now know this male to be [REDACTED]. Whilst I was doing this Cleveland Police Officers secured the premises. After Cleveland Police secured the premises, council officers searched and seized whilst I managed the operation. The search was concluded at 11:20. I served [REDACTED] with a copy of the warrant before leaving. Upon returning to the office it was confirmed that the vapes we had seized were non-compliant.

On the 26th June 2023 I attended 66-68 Jesmond Gardens to access the CCTV footage for the premises. Prior to attending I had made a formal request in writing in conjunction with Condition 1 of Annex 2 of the Premises Licence. Upon attending the store I met with Mr Aniruth Sivalingam, the Licence Holder, who authorised access to the CCTV footage via an app named HIC-Connect.

On the 4th July 2023 I interviewed Mr Aniruth Sivalingam under the provisions of the Police and Criminal Evidence Act 1984 in relation to suspected offences under the Tobacco and Related Products Regulations 2016. During interview Mr Sivalingam stated that he knew that the devices were illegal to sell but they were on his premises by mistake. He stated that he had ordered compliant devices from a man he only knows as "Mo" but then the illegal ones had been delivered by mistake. He stated that he was attending a wedding over the weekend before the warrant was executed so he did not notice the mistake until he returned on Monday 5th June 2023. He stated that after he had returned home he stopped selling the devices.

Signed

On 4th July 2023, following the interview, I accessed the HIC-Connect app to observe the lady I had witnessed leaving the premises on 6th June 2023. I now produce a recording of the footage as evidence as Exhibit JM/1. The footage appears to show a lady being offered and then purchasing vape for £10. The vape appears to be the same as one of the non-compliant ones which were seized during the warrant.

Signed

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STATEMENT OF WITNESS

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

Statement of **Chloe Bartley**
(Full name)

Age of witness (if over 18 enter "over 18") **Over 18**

Occupation of witness **Regulatory Compliance Officer Apprentice**

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 do not believe to be true.

Dated the **19th** day of **May** 2023



(Signed)

I am the above named person and am employed by Hartlepool Borough Council as a Regulatory Compliance Officer Apprentice in the Public Protection Team.

On 17th May 2023 I was asked to visit the Lifestyle Express on 66-68 Jesmond Gardens, Hartlepool, TS24 8QS as there was a complain that they were selling illegal vapes and to underage children.

At 17:24 on the same day I entered the shop to try to buy an illegal vape. On the right of me was the till area in which there was a male who appeared to be of Asian Ethnicity, with a medium build and stubble behind serving a customer.

I walked towards the till and I asked for an Elux Vape, he showed me the vapes at the front of the till to my right. I browsed them and saw that they were all 600 puffs 2% nicotine which are legal.

Then I asked him politely if he has any of the 4000 puff ones in stock. He looked around the premises and looked down to his right onto the floor and started listing various different flavours. I asked for the blueberry sour raspberry one. He then grabbed that flavour vape for me, which seemed to be below the miniatures of alcohol behind him.

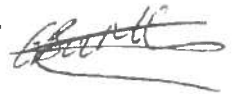
He then asked for £10 for the vape and I then handed over the correct note. He

Signed



thanked me and I left.

After exiting the shop, I got in to my car and left the area to allow me to write the notes in my pocket note book and seal the vape in a tamper evident evidence bag number N04848899. The evidence was then stored in a safe place until I returned to the office the next day to place it in the Trading Standards evidence store.



Signed

STATEMENT OF WITNESS

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

Statement of Rachael Kate Readman

Age of witness (if over 18 enter "over 18") **Over 18**

Occupation of witness Senior Trading Standards Officer

This statement (consisting of 1 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.

Dated the 10th August 2023


(Signed)

I am a Senior Trading Standards Officer employed by Hartlepool Borough Council Trading Standards, Public Protection, Development, Neighbourhoods and Regulatory Services Division, Civic Centre, Hartlepool, TS24 8AY.

On 6th June 2023 I was involved in search warrants which were executed at 66-68 Jesmond Gardens, Hartlepool and 66a Jesmond Gardens, Hartlepool. 66-68 Jesmond Gardens is a commercial premises named Lifestyle Express. 66a is the flat above the commercial premises. My colleague, Graduate Trading Standards Officer Josh Maitland, was the lead officer and I was appointed the role of exhibits officer.

At 10:06 I entered the commercial premises with Mr Maitland and officers from Cleveland Police. Upon approaching the counter Mr Maitland explained to the male who was present the reason for our visit. I asked the male if the owner was present but he replied no and said he was just an employee. I asked the man for his name and asked him to write his name in my pocket note book. I now know this man to be [REDACTED] advised when asked that he lives in the flat above the shop.

The search was concluded at approximately 11:20. During the search suspected non-complaint disposable electronic cigarettes were seized, all items were recorded on a 'Record of Seized Property' document which was handed to [REDACTED]. I now produce a copy of this document as evidence as Exhibit RR/Jes/01.

Signed 

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TRADING STANDARDS

Regulatory Services
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY
01429 523362

Item referred to in my statement
as exhibit "

RR/Jes/01

Signed: R Redman

RECORD OF SEIZED PROPERTY

Name and address of premises Searched: Lifestyle Express 66-68 Jesmond Gardens
Hartlepool and 66A Jesmond Gardens Hartlepool TS24 8QS

Date of search: 6th June 2023 Time of Search: Start: 10:06am Finish: 11:20am

Lead Officer: Josh Marshall Exhibits Officer: Rachael Redman

Other officers present: Daniel Briggs, Neil Harrison, Maxine Bee, Kathryn Budden
Smith, 2916, 3126

Other persons present (if known):

Reason for seizure: Tobacco and Related Products Regulations 2016

Authority for making seizure: Tobacco and Related Products Regs / Consumer Rights Act

If force used provide details: none used

Property Seized

Description of evidence/exhibit	Where found	Exhibit number	Seal Number
x5 box of pro max vapes	Stairs up to flat	1165286	→
x4 ^{box} crystal legend vapes	Stairs up to flat	1165120	→
x7 box crystal legend vapes	Stairs up to flat	1165517	→
x4 opened boxes crystal vapes	Stairs up to flat	1165129	→
x5 opened boxes pro max crystal vapes	Stairs up to flat	1165175	→
x3 box crystal pro max vapes	Stairs up to flat	1165589	→
x1 opened box R+M Tornado	Stairs up to flat	1165575	→
x3 opened box crystal pro max	Stairs up to flat	1165524	→
x3 opened box crystal legend	Stairs up to flat	1165519	→
x8 boxes lemon + lime vapes	living room in flat	1165115	→
x13 non compliant vapes + box	Behind till	1165541	→
x19 non compliant vapes + box	Behind till	1165581	→
x23 non compliant vapes + box	Behind till	1165613	→
x18 boxes skittle vapes	flat	1165119	→
x4 boxes crystal vapes	living room in flat		1165174
x4 boxes of 4000 vapes	living room in flat		1165162
x1 large box of elux vapes	living room in flat		1165035

Name of person receiving record

Signature of person receiving record

Relationship to premises: Employee

Date record supplied: 6th June 2023

Property Seized – Continued

Record Exhibit Reference:

RR/Jes/01

[illegible]

Name of person receiving record:...

Signature of person receiving reco

Relationship to premises:.....e

Date record supplied: 6th June 2023

STATEMENT OF WITNESS

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

Statement of **Neil Harrison**
(Full name)

Age of witness (If over 18 enter "over 18") **Over 18**

Occupation of witness **Senior Trading Standards Officer**

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 do not believe to be true.

Dated the 19th day of July 2023


(Signed)

I am Senior Trading Standards Officer employed by Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool, TS24 8AY.

On the 6th June 2023 I assisted with the execution of a search at 66-68 Jesmond Gardens and 66a Jesmond Gardens. The search commenced around 10.05am after the premises were secured.

During the search I assisted other officers and I identified a range of suspect Vape products which were duly seized.

The seized items were handed to my colleague Rachael Readman who was recorded the property on the record of seized property.

Items seized from the staircase area included:

- 4 boxes of crystal legend (Tag #1165120)
- 4 opened boxes of crystal vapes promax (Tag #1165129)
- 5 opened boxes of promax crystal vapes (Tag #1165175)
- 3 opened boxes of crystal promax (Tag #1165524)
- 5 boxes of promax vapes (Tag #1165286)
- 3 boxes of crystal promax vapes (Tag #1165589)
- 7 boxes of legend vapes (Tag #1165517)
- Opened box of R&M Tornado (Tag #1165575)

Signed 

3 opened boxes of crystal legend (Tag #1165519)

In the flat upstairs another large quantity of vapes were found and I seized:

4 Boxes of crystal vapes (Tag #1165174)

1 Box containing 12 boxes of Crystal legend (Tag #1165695)

Large box of Elux vape bars (Tag # 1165035)

I vacated the premises at approximately 11.15am at the conclusion of the search.

Signed 

STATEMENT OF WITNESS

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

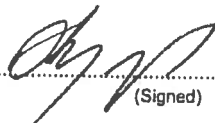
Statement of **Daniel Christian Briggs**
(Full name)

Age of witness (if over 18 enter "over 18") **Over 18**

Occupation of witness **Senior Trading Standards Officer**

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 do not believe to be true.

Dated the **3rd** day of **July** 2023

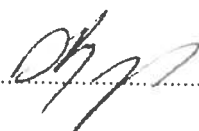

(Signed)

I am a Senior Trading Standards Officer employed by Hartlepool Borough Council Trading Standards, Public Protection, Development Neighborhoods and Regulatory Services Department, Civic Centre, Hartlepool, TS24 8AY.

On 6th June 2023, I was involved in the execution of a magistrates court search warrant at Lifestyle Express (Top Shop), 66-68 Jesmond Gardens, Hartlepool, TS248QS and the flat above at 66a Jesmond Gardens, Hartlepool, TS248QS.

The approach to the retail premises was made at 1007hours. When I entered the premises I saw that there was a male who I now know to be called [REDACTED] behind the till area. I advised [REDACTED] that I needed to be behind the till area so he let me in through the door to start searching.

At 1027hours I found a white Huggies Wet Wipe box containing 19 non-compliant vapes in it so seized and sealed them in an evidence bag with tag number 1165581.

Signed 

At 1030hours I found a Pinot Grigio box that had 13 non-compliant vapes in it so seized and sealed them in an evidence bag with the tag number 1165591.

At 1032hours I found an Always Classic box that had 23 non-compliant vapes the box so seized and sealed them in an evidence bag with the tag number 1165613.

The items were then given to Rachael Readman from Hartlepool Trading Standards who was acting as the exhibits officer for the operation to record on the Record of Seized Property.

I then went upstairs to assist with searching the flat but found no further evidence in any of the rooms that was required as evidence.

The search concluded at 1123hours and we left the premises



Signed