

MANCHESTER CITY COUNCIL

STATEMENT OF WITNESS

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

STATEMENT OF Devon Bennett
Age of Witness Over 18
Occupation of Witness Trading Standards Technical Officer

This statement, consisting of 3 pages 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 this 1st day of December..... 2021.....

(Signed) 

I am employed by Manchester City Council Trading Standards Department as a Trading Standards Technical Officer. I am an authorised officer for the purposes of the Tobacco and Related Products Regulations 2016, the Standardised Packaging of Tobacco Regulations 2015, and the Trade Marks Act 1994.

Following on from the adjournment of the licensing review for Euro Market 402 Cheetham Hill Road, Manchester, M8 9LE. I attended the premises on the 1st December 2021. I was accompanied by PC Alan Isherwood of the licensing team from the City of Manchester Division, Greater Manchester Police. The purpose of the visit was to follow-up on the licence transfer and to see if the premises was now compliant with the conditions on the premises licence.

At approximately 13:15 hours, I was stood at the doorway into the premises. I noticed there was no worker behind the counter. I also noticed a customer looking up the aisle which leads to the rear of the premises. Inside the shop were three customers. I decided to wait until it was clearer as to not crowd the area and to see if the worker returned. I then saw a male who I met on a previous visit approach the counter, in his hand were packs of cigarettes in the incorrect packaging. I believed a sale was about

Signed 

to take place. I entered the premises with PC Isherwood. The male quickly put the cigarettes inside of a black carrier bag. I asked the male to stop and I advised I was from the Trading Standards Service. I asked the male to hand over the bag, inside the bag were 3 packs of L&M cigarettes which failed to display the correct health warnings, were in the incorrect packaging and did not appear to display any sign that UK duty had been paid. Owing to the on-going COVID pandemic, I politely asked the customers to wait outside until we had finished our visit. Whilst customers were leaving the male began to shout a word repeatedly which I did not understand as it did not sound English, the male was shouting down the aisle towards the back of the shop, the same area where I had previously discovered a chute to the flat above. After he stopped shouting, I could hear banging footsteps from the flat above the shop, where I had previously executed a warrant and found illicit cigarettes and hand rolling tobacco.

I issued the male with relevant paperwork and asked if the male had any more cigarettes. The male produced another pack of L&M cigarettes which also failed to comply with tobacco related laws.

I seized the packs of cigarettes as I believed that offences had been committed under the Tobacco and Related Products Regulations 2016 as the packs failed to display the correct combined health warnings and the Standardised Packaging of Tobacco Products Regulations 2015 as the packs were in the incorrect packaging.

PC Alan Isherwood then checked compliance with the conditions attached to the licence and found that conditions were still not being complied with.

The male present at the time told me he was called Barham Bakir Mohammed. I have previously met the male on the 5th November 2021, where I seized packs of Herbal Tobacco Products for Smoking which were non-compliant. I also know of the male from a rejected licence application where he was the proposed Designated Premises Supervisor.

Signed 

The facts and matters set out in this statement were compiled from records held by Manchester City Council. The records to which I have referred from part of the Manchester City Council's records maintained in the course of its profession and were compiled by people who had or may be reasonably supposed to have had, personal knowledge of the matters dealt with in the information contained in the documents but of which those people cannot reasonably be expected, having regard to the time which has elapsed since they created the document and to all the relevant circumstances, to have recollection of those matters.

Signed

