Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	11th October 2018
Decision maker:	Head of Regulatory & Development Management Services
Authority for delegated decision:	The chief executive's scheme of delegation
Ward:	Central
Consultation:	Legal Services - In accordance with S222 of the Local Government Act 1972 we consider a prosecution is both appropriate and reasonable in this matter for the promotion or protection of the interests of the people of the County of Herefordshire which is also in accordance with the Herefordshire Council's Enforcement and Prosecution Policy.
Decision made:	To prosecute the 2 defendant for 11 offences under the Trade Marks Act 1994, the Tobacco and Related Products Regulations 2016 Regulation 48 and 1 offence under the Standardised Packaging of Tobacco Products Regulations 2015 Regulations 3,7,11
Reasons for decision:	In April 2018 the owner of the shop was prosecuted for selling illegal tobacco and leaves shop. The shop has new people working in it but continue in exactly the same way. Information that the sale of illegal tobacco continues. Throughout July and august 2018 test purchases of illegal tobacco are made from the both defendants at the shop. These were recorded on covert camera. September 2018 trading Standards visit the premises and seized a large quantity of illegal tobacco from a van in the car park at back of shop. Both defendants are subsequently interviewed and admit selling illegal tobacco. The evidential test is met in this instance as there are witness statements covert video recording of the test purchases and product seized from the shop. It is in the public interest due to: (i)If legal proceedings are not instigated, then it is likely that he will repeat offend; (ii)A prosecution would have a significant impact on maintaining community confidence and should act as a deterrent to others who may be contemplating similar actions,
Highlight any associated risks/finance/legal/equality considerations:	
Details of any alternative options considered and rejected:	None
Details of any declarations of interest made:	None

Date: 11/10/18