

### Record of officer decision

<b>Decision title:</b>	Decision to prosecute
<b>Date of decision:</b>	28/1/2019
<b>Decision maker:</b>	Acting Assistant Director for Regulatory, Environment and Waste Services
<b>Authority for delegated decision:</b>	The chief executive's scheme of delegation
<b>Ward:</b>	Ross East
<b>Consultation:</b>	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.
<b>Decision made:</b>	To prosecute the 2 defendants for a total of 2 offences under the Trade Marks Act 1994, 4 offences under the Tobacco and Related Products Regulations 2016 Regulation 48 and 4 offences under the Standardised Packaging of Tobacco Products Regulations 2015 Regulations 3,7,11
<b>Reasons for decision:</b>	<p>This premise has been selling illegal tobacco for many years with the ownership of the shop being under numerous people. In mid-2018 information is received that the shop is selling illegal tobacco. Test purchases were made. These were recorded on covert camera. On 5<sup>th</sup> January 2019 Trading Standards Officers visit the premises and seized 31,000 illegal cigarettes and 1.85 KG of tobacco from the shop and a van. Both defendants were subsequently interviewed one was the owner and the other a shop assistant selling the tobacco.</p> <p>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.</p> <p>It is in the public interest due to:</p> <p>(i) If legal proceedings are not instigated, then it is likely that he will repeat offend;</p> <p>(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,</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	None
<b>Details of any alternative options considered and rejected:</b>	None
<b>Details of any declarations of interest made:</b>	None

Signed

Date: 28/1/2019