

Record of officer decision

Decision title:	Decision to prosecute 2 defendants for selling illegal tobacco
Date of decision:	02/12/2019
Decision maker:	Acting Assistant Directorate for Regulatory, Environment and Waste Services
Authority for delegated decision:	Economy and Place Scheme of Delegation item 64
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 2 defendants for 3 offences under the Trade Marks Act 1994, 4 offences under the Tobacco and Related Products Regulations 2016 and 4 offence under the Standardised Packaging of Tobacco Products Regulations 2015
Reasons for decision:	<p>The premise involved is well known for selling illegal tobacco and was subject to a 3 month closure order. The shop now open under another name continues to sell illegal tobacco. Between August and November 2019 test purchase were made of the 2 defendants selling the illegal tobacco. A visit was carried out and quantities of tobacco were seized from the shop along with a large amount of cash for a vehicle used and owned by one of the defendants. During interview both defendants admitted selling and having in their possession 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>
Highlight any associated risks/finance/legal/equality considerations:	None
Details of any alternative options considered and rejected:	None
Details of any declarations of interest made:	None

Signed:



Date: 02/12/2019