

# ANNEX

## Supporting Documents

1. Statement of [REDACTED] (2 pages)
2. Photograph of test-purchased R&M Tornado 9000 electronic cigarette (2 pages)
3. Statement of [REDACTED] (2 pages)
4. Golden Virginia hand-rolling tobacco labelled in Spanish (1 page)
5. Photographs of the labelling of the seized electronic cigarettes (17 pages)
6. Photographs of the labelling of the seized tobacco products (6 pages)
7. Breakdown of tobacco seizure (1 page)
8. Photograph of storeroom locations (2 pages)
9. Letter from [REDACTED] (14 pages)
10. Signed Acknowledgement Form (1 page)
11. Excerpt from statutory guidance (2 pages)
12. R (Bassetlaw District Council) v Worksop Magistrates' Court (2008) (9 pages)

OXFORDSHIRE COUNTY COUNCIL  
TRADING STANDARDS SERVICE

**STATEMENT OF WITNESS**

(Criminal Procedure Rules, r.16.2; Criminal Justice Act 1967, s.9; Magistrates Courts Act 1980, s. 5B)

STATEMENT OF: [REDACTED]

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

Occupation of witness: Trading Standards Enforcement Assistant

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 2nd day of August 2024

Signed.... [REDACTED] .....

I am a Trading Standards enforcement assistant employed by Oxfordshire Trading Standards. One of my roles at Trading Standards is to carry out occasional test purchasing to ensure that tobacco and e-cigarette products on sale in Oxfordshire are compliant with the requirements of the Tobacco and Related Products Regulations 2016.

On Tuesday 9<sup>th</sup> February 2024, I visited Gold Star Off-Licence, 256 Ock Street, Abingdon, OX14 5DW, while acting as a covert test purchaser. This was following previous intel that the premises were selling illegal tobacco products. I entered the premise, bought a drink and a 600-puff disposable vape as to not raise suspicion.

There was a member of staff behind the till point who was the only person in the shop. The staff member was a male with dark curly hair, possibly east African, wearing a dark green puffer jacket. I would estimate the age of this employee to be in his 30s.

**STATEMENT OF WITNESS**

(Continuation sheet P2)

Whilst at the till point, I asked if they sell any higher puff disposable vapes. The shop assistant told me they do and took me with him to a room at the back of the store. He handed me a 12,000 puff vape which cost £22. I paid it and then left the store.

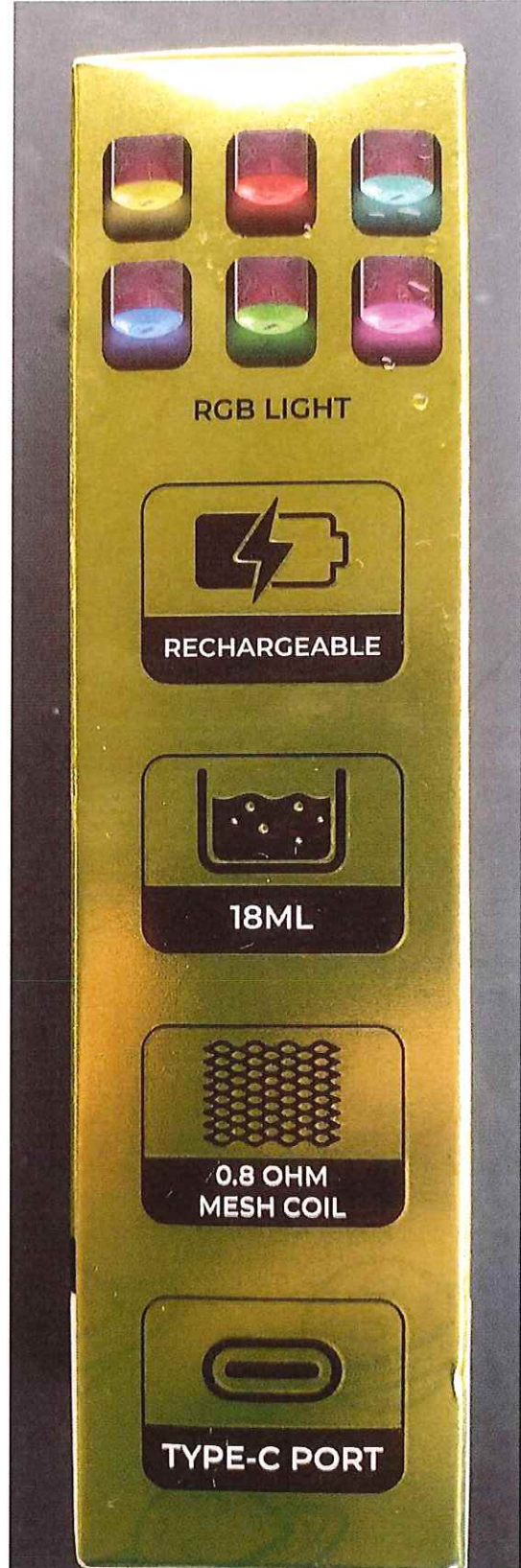
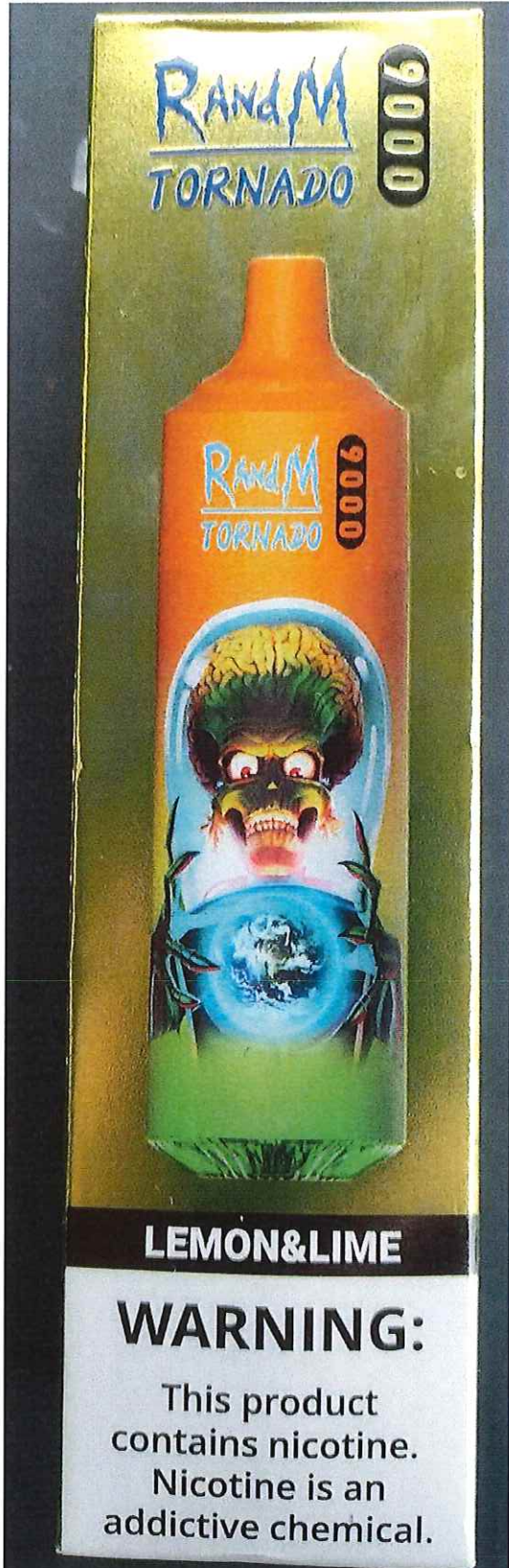
Upon returning to the car my colleague informed me that the vape I had bought was labelled as having zero nicotine on the outer packaging. I returned to the shop and headed to the till point. I told the same shop assistant that I wanted a vape with nicotine in and I followed him again to the back room. He told me that the packaging of the first vape I bought was just a cover, implying that it did contain nicotine despite the labelling. He showed me two plastic carrier bags that contained large disposable vapes where I swapped the 12,000-puff disposable with a 9,000-puff vape that was marked as containing nicotine. I then left the shop.

The purchased unit disposable vape was then given to the lead officer [REDACTED] [REDACTED] after leaving the store.



# ANNEX - 2 (2 pages)

Oxfordshire County Council Trading Standards Service	
Exhibit:	SM/8
Dated:	20/02/24
Signed:	[REDACTED]





9000 PUFFS

NICOTINE



LEMON&LIME

**WARNING:**

This product contains nicotine. Nicotine is an addictive chemical.

**DISPOSABLE DEVICE**

TORNADO 9000 disposable contains nicotine juice. Nicotine is harmful. Do not swallow and keep away from children. Don't use if you are pregnant or nursing.

**INGREDIENTS:**

Flavoring & Nicotine Propylene Glycol(PG) Vegetable Glycerin(VG)

**CALIFORNIA PROPOSITION**

**65 ⚠ WARNING:**

This product can expose you to chemicals including nicotine, which is known to the State of California to cause birth defects or other reproductive harm. For more information, go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov)

ShenZhen Fumot Technology Co., Ltd  
Email: [wholesale@fumot-tech.com](mailto:wholesale@fumot-tech.com)  
2nd floor, building 6, Haomai industrial zone, Dalang street, Longhua district, Shenzhen China.

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[www.randmvape.com](http://www.randmvape.com)

Scratch and Check

Made in China

SCRATCH CODE TO AUTHENTICATE  
PRODUCT AT: [www.randmvape.com](http://www.randmvape.com)  
SALE ONLY ALLOWED IN THE UNITED STATES

**NOT FOR SALE TO MINORS**

LICENSE NUMBER: 7144030151

LICENSE NUMBER: 6144030058



OXFORDSHIRE COUNTY COUNCIL  
TRADING STANDARDS SERVICE

**STATEMENT OF WITNESS**

(Criminal Procedure Rules, r.16.2; Criminal Justice Act 1967, s.9; Magistrates Courts Act 1980, s. 5B)

STATEMENT OF



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


Over 18

Occupation of witness

Trainee 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 April 2024

Signed.  .....

I am a Trainee Trading Standards Officer employed by Oxfordshire Trading Standards. One of my roles at Trading Standards is to ensure that e-cigarette and tobacco products on sale in Oxfordshire are compliant with the requirements of the Tobacco and Related Products Regulations 2016

On Saturday 9th March 2024 I visited Gold Star Off Licence, 256 Ock Street, Abingdon, OX14 5DR while acting as observing officer on an underage sales e-cigarette test purchase. This was following complaints received regarding underage sales, as well as previous seizure of illegal e-cigarettes.

I entered the premise at approximately 15:06 and began browsing the snack shelves so as to keep the till point in my range of vision and earshot. The 16-year-old volunteer then entered the premise less than 1 minute after and approached the till point. I heard the volunteer ask the person working at the till point for a vape, at which point she was

Signed.  .....



**STATEMENT OF WITNESS**

was asked to provide identification. Following her inability to produce identification, the volunteer was successfully refused sale of the e-cigarette and she proceeded to exit the premise.

I then moved to approach the till point to pay for the item that I had picked up while browsing but decided at last minute to swap it for a different item. As I did so a legitimate customer entered the premise, and I allowed him to move in front of me to approach the till point first.

I then rejoined the queue directly behind the customer and I heard him ask the member of staff for a pack of Golden Virginia hand rolling tobacco (HRT hereafter). The member of staff then replied saying that he had Golden Virginia cheaper in the customer wanted it. The customer asked what he meant, and the member of staff proceeded to pull out a small tied up blue plastic bag from beside him behind the counter. The bag was in arms reach. He then untied the bag and I saw him half pull out a unit of non-plain packaged Golden Virginia HRT. The packaging was green in colour with a gold logo and brand name. I was unable to see if the labelling was in English.

The member of staff then told the customer that the HRT he was offering was the same but cheaper. He reiterated that he could sell it cheaper for the customer. The customer then agreed and the sale was made. The customer then exited the premise. I was unable to hear the price that the HRT was sold for.

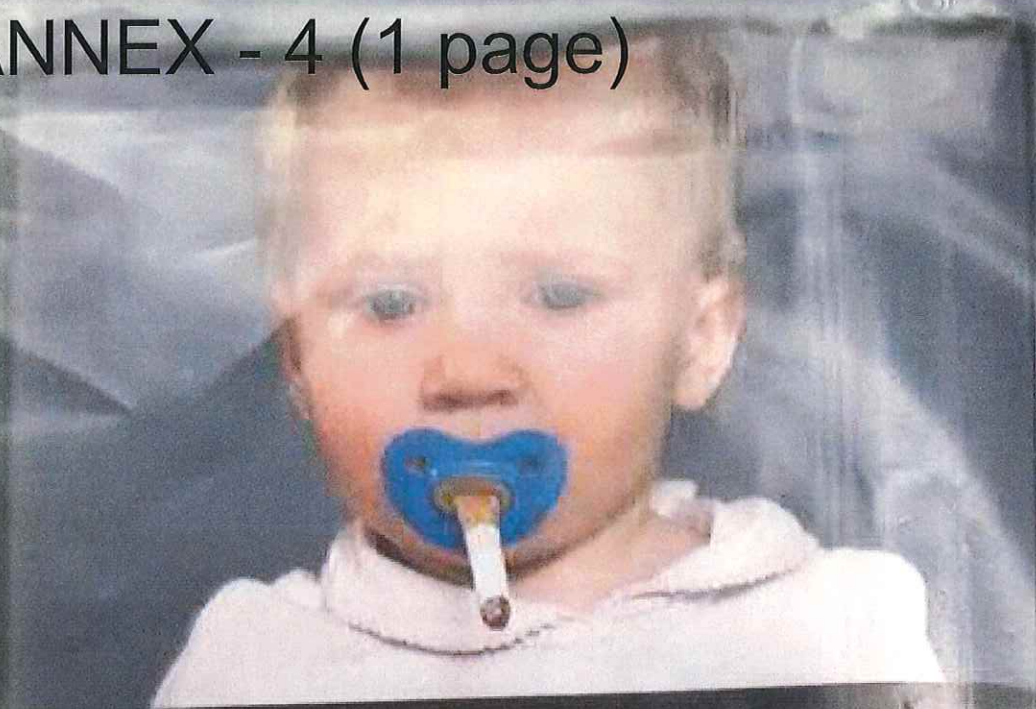
The member of staff who made the sale was a black male with short cropped black hair, of average build, approximately 5 foot 7 inches in height, and aged approximately in his 30s. He appeared to be the sole person working in the premise.

I then approached the till point and paid for my item before exiting the premise at approximately 15:07.

Signed.  .....



ANNEX - 4 (1 page)



Los hijos de  
fumadores tienen  
más probabilidades  
de empezar a fumar

Ayuda para dejar de fumar:

<http://puedesDejarlo.es>

GOLDEN VIRGINIA



A015



# ANNEX - 5 (17 pages)

Oxfordshire County Council Trading Standards Service	
Exhibit:	SM/11
Dated:	20/03/24
Signed:	[Redacted]







**PARAMETER**

Puffing: up to 6000  
Salt nicotine: 2%  
Liquid: 1.4ml  
Resistance: 1.1ohm  
Battery: 600mAh  
Charging: USB-C

**INGREDIENTS**

Vegetable Glycerin  
Propylene Glycol, Nicotine,  
Natural & Artificial Flavors

**WARNING**

This product can expose you to nicotine, nicotine is an addictive substance. Keep away from children and pets. This product may cause reproductive harm and is not intended for pregnant women. This product is not intended for use or sale to individuals under the legal age limit.

[www.dluxbar.com](http://www.dluxbar.com)

MF02025/010 EXP:2025/01/10

Made in China



6 1989652 1365313



**WARNING:**

This product contains nicotine Which is a highly addictive substance

**PARAMETER**

Puffing: up to 6000  
Salt nicotine: 2%  
Liquid: 1.4ml  
Resistance: 1.1ohm  
Battery: 600mAh  
Charging: USB-C

**INGREDIENTS**

Vegetable Glycerin  
Propylene Glycol, Nicotine,  
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[www.dluxbar.com](http://www.dluxbar.com)

MF02025/010 EXP:2025/01/10

Made in China



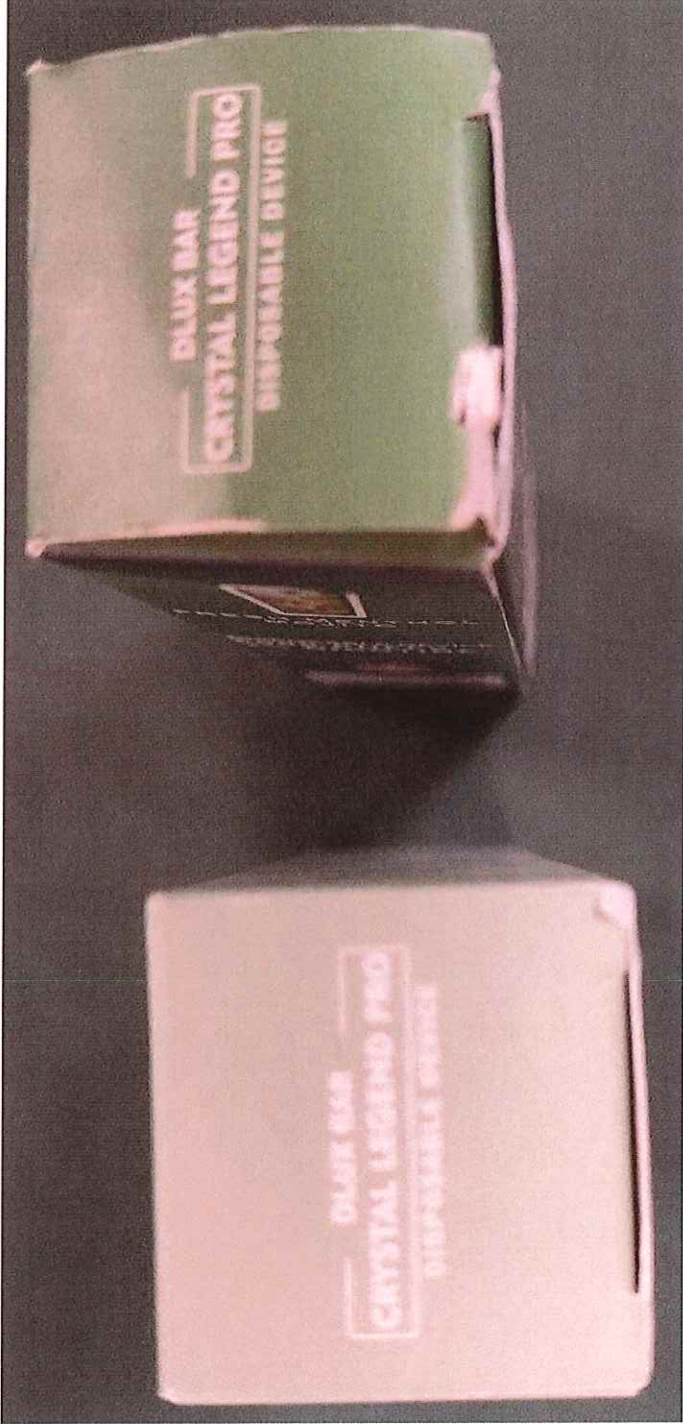
6 1989652 1365283



**WARNING:**

This product contains nicotine Which is a highly addictive substance













**HAYATI<sup>®</sup>**  
**PRO MAX**  
E-CIGARETTES WITH 100% TOBACCO FLAVOUR

**Instructions:**  
Take device out from safety bag & just inhale until you feel the vapour. Do not inhale too deeply. Depending on the size of inhales, device varies from 3500 - 4000+ puffs. (This varies upon use).

**Ingredients:**  
Vegetable Glycerine, Propylene Glycol, Natural & Artificial Flavors, Nicotine Salt

**WARNING:**  
Not for sale to those under the age of 18 and not suitable for pregnant and breastfeeding women. Keep away from children and pets. If you are not a product user, kindly do not use this product. Ingredients mentioned, or if you are not sure, kindly do not use this product. This product contains nicotine which is highly addictive. Nicotine is a highly addictive substance and can be harmful to your health. Please contact your local poison center or physician immediately and keep this product away from children and pets.

**CAUTION:**  
This product contains nicotine which is a highly addictive substance. Quitting now greatly reduces serious risks to your health. For more information, visit [www.hayati.com](http://www.hayati.com) or call 1-877-228-8272.

**MADE BY PAX**  
PAX INC. 10000 W. CENTRAL EXPRESSWAY  
SUITE 100 DALLAS, TEXAS 75243  
USA  
Email: [info@pax.com](mailto:info@pax.com)  
Website: [www.pax.com](http://www.pax.com)  
WhatsApp: +86 1772288272

**This product contains nicotine which is a highly addictive substance**

**HAYATI<sup>®</sup>**  
**PRO MAX**  
E-CIGARETTES WITH 100% TOBACCO FLAVOUR

**Instructions:**  
Take device out from safety bag & just inhale until you feel the vapour. Do not inhale too deeply. Depending on the size of inhales, device varies from 3500 - 4000+ puffs. (This varies upon use).

**Ingredients:**  
Vegetable Glycerine, Propylene Glycol, Natural & Artificial Flavors, Nicotine Salt

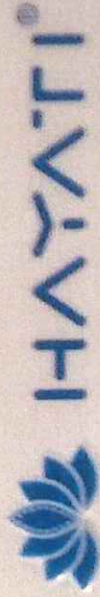
**WARNING:**  
Not for sale to those under the age of 18 and not suitable for pregnant and breastfeeding women. Keep away from children and pets. If you are not a product user, kindly do not use this product. Ingredients mentioned, or if you are not sure, kindly do not use this product. This product contains nicotine which is highly addictive. Nicotine is a highly addictive substance and can be harmful to your health. Please contact your local poison center or physician immediately and keep this product away from children and pets.

**CAUTION:**  
This product contains nicotine which is a highly addictive substance. Quitting now greatly reduces serious risks to your health. For more information, visit [www.hayati.com](http://www.hayati.com) or call 1-877-228-8272.

**MADE BY PAX**  
PAX INC. 10000 W. CENTRAL EXPRESSWAY  
SUITE 100 DALLAS, TEXAS 75243  
USA  
Email: [info@pax.com](mailto:info@pax.com)  
Website: [www.pax.com](http://www.pax.com)  
WhatsApp: +86 1772288272

**This product contains nicotine which is a highly addictive substance**





HAYATI®

PRO MAX

Enjoy Hayati® Enjoy Life

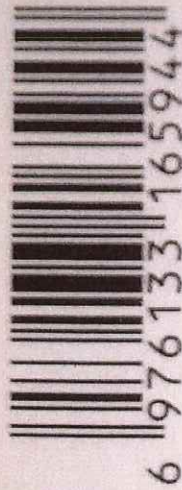


HAYATI®

PRO MAX

Enjoy Hayati® Enjoy Life

PM01-1820-1010-4000-NRC  
30013-EN-FU-00-00-V2



6 976133 165944

ECID: Batch: 37E130C  
EXP: 30/01/2026  
LN: 5144030120

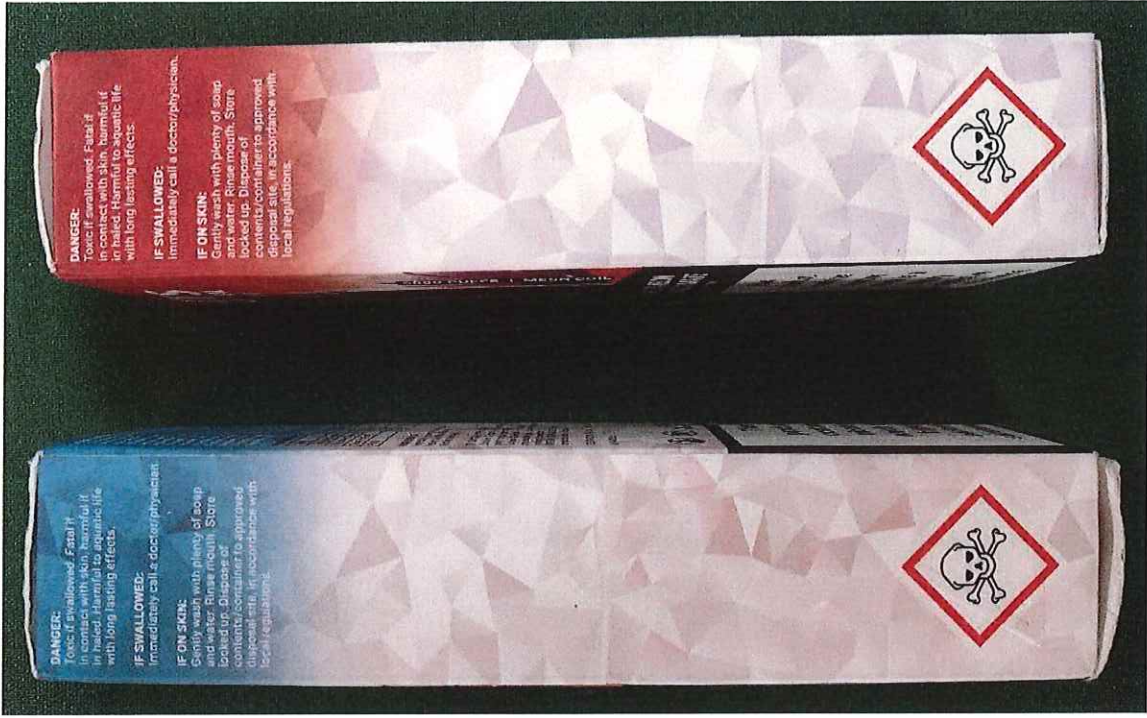
PM01-1820-1010-4000-NRC  
30013-EN-FU-00-00-V2



6 976133 165876

ECID: Batch: 36E124A  
EXP: 24/01/2026  
LN: 5144030120







**KEEP OUT OF REACH OF CHILDREN**

This product is intended for adult smokers only. This product is not recommended for non-smokers, young people under the age of 18 years, pregnant or breastfeeding women, people who are allergic to gelatin or people who are allergic to fruit. Contains gelatin. This product contains nicotine, an addictive substance, which can cause nausea, dizziness or aggravate existing respiratory conditions. If you experience any adverse reactions, please contact your doctor and let us know by providing the details by email or telephone call.

**PARAMETERS**

Size	27.6x27.6x122mm
E-liquid Capacity	14ml
Nicotine Strength	20mg/ml
Dose Per Puff	100µg
Puffs	Up to 8000

**INGREDIENTS**

Vegetable Glycerin, Propylene Glycol, Natural & Artificial Flavours, Nicotine Benzate.  
ITS CRYSTAL HYPER 8000 20mg (Contains: 2-isopropyl-N,2,3-trimethylbutyramide, nicotine benzoate)  
Contains 2-Methyl-3-(p-isopropylphenyl)propionaldehyde, d-Limonene, may produce an allergic reaction.  
**FRIENDLY REMINDER:** Once opened, consume within 15 days.  
DESIGNED IN THE UK    MADE IN CHINA  
LINE 14-26005



**This product contains nicotine which is a highly addictive substance.**

**KEEP OUT OF REACH OF CHILDREN**

This product is intended for adult smokers only. This product is not recommended for non-smokers, young people under the age of 18 years, pregnant or breastfeeding women, people who are allergic to gelatin or people who are allergic to fruit. Contains gelatin. This product contains nicotine, an addictive substance, which can cause nausea, dizziness or aggravate existing respiratory conditions. If you experience any adverse reactions, please contact your doctor and let us know by providing the details by email or telephone call.

**PARAMETERS**

Size	27.6x27.6x122mm
E-liquid Capacity	14ml
Nicotine Strength	20mg/ml
Dose Per Puff	100µg
Puffs	Up to 8000

**INGREDIENTS**

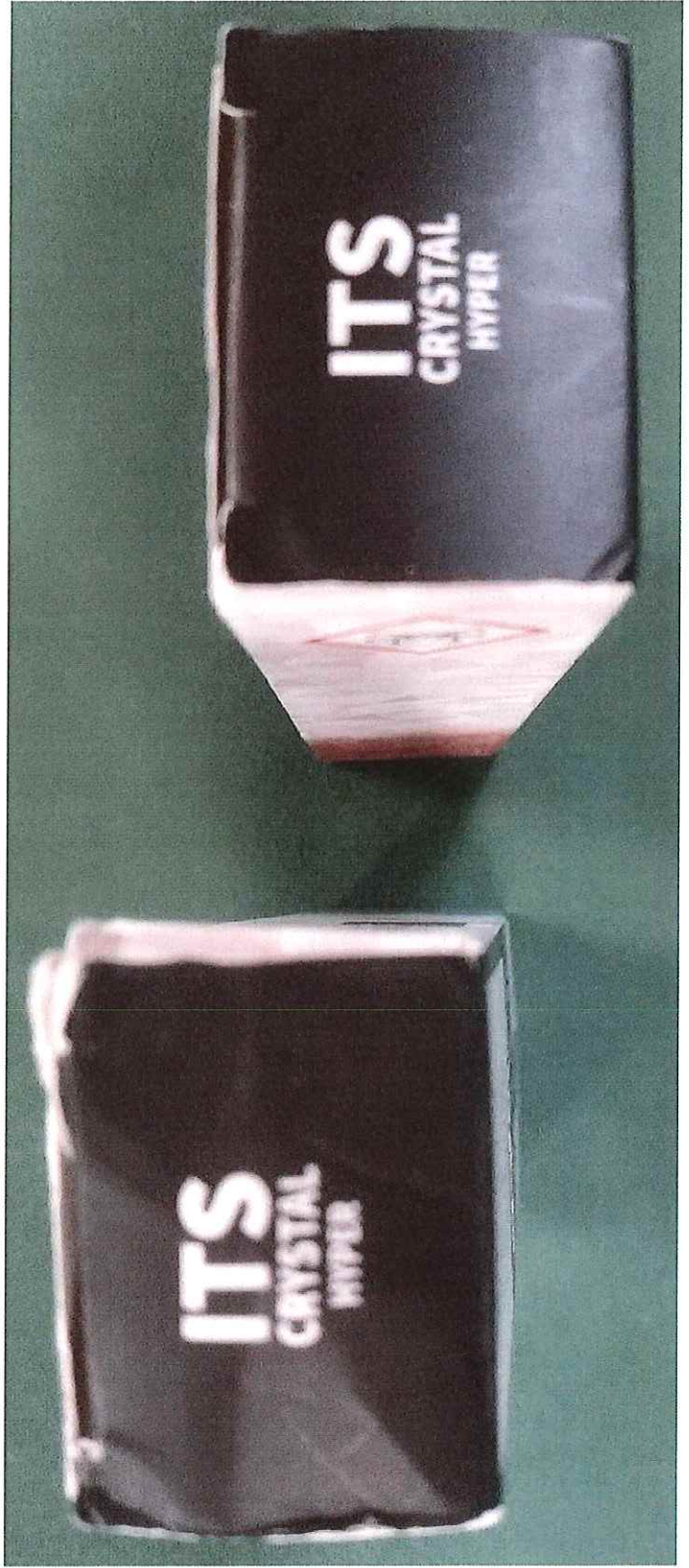
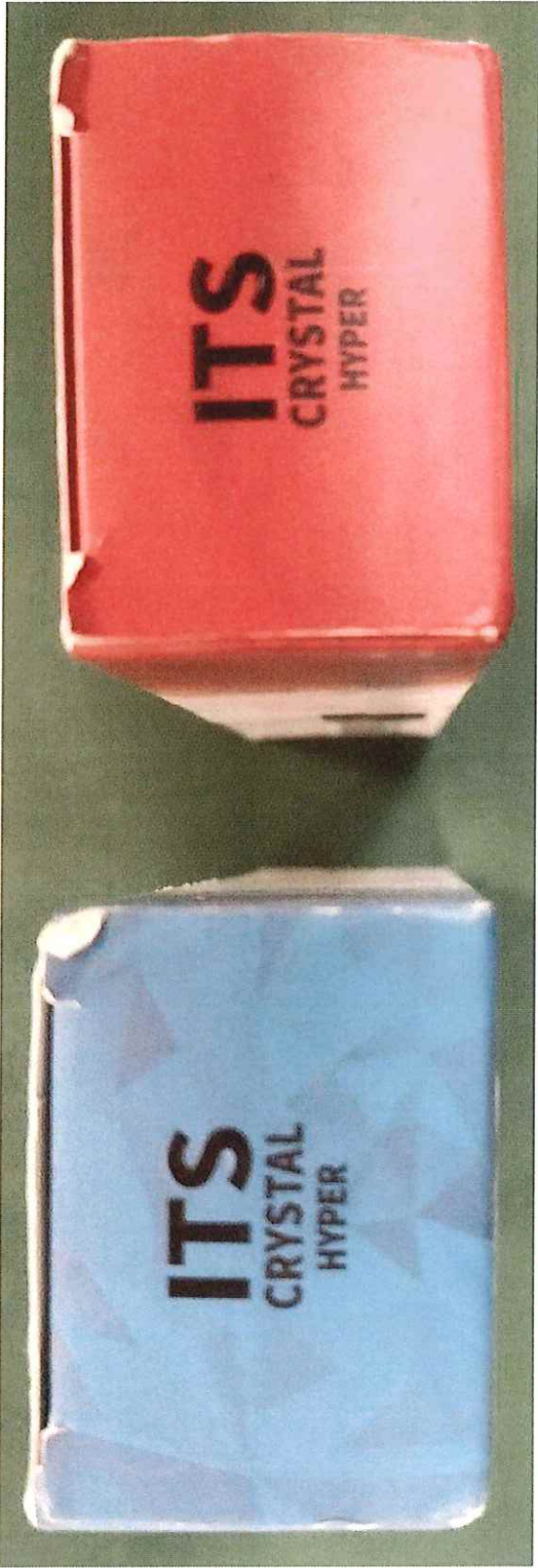
Vegetable Glycerin, Propylene Glycol, Natural & Artificial Flavours, Nicotine Benzate.  
ITS CRYSTAL HYPER 8000 20mg (Contains: 2-isopropyl-N,2,3-trimethylbutyramide, nicotine benzoate)  
Contains 2-Methyl-3-(p-isopropylphenyl)propionaldehyde, d-Limonene, may produce an allergic reaction.  
**FRIENDLY REMINDER:** Once opened, consume within 15 days.  
DESIGNED IN THE UK    MADE IN CHINA  
LINE 14-26005



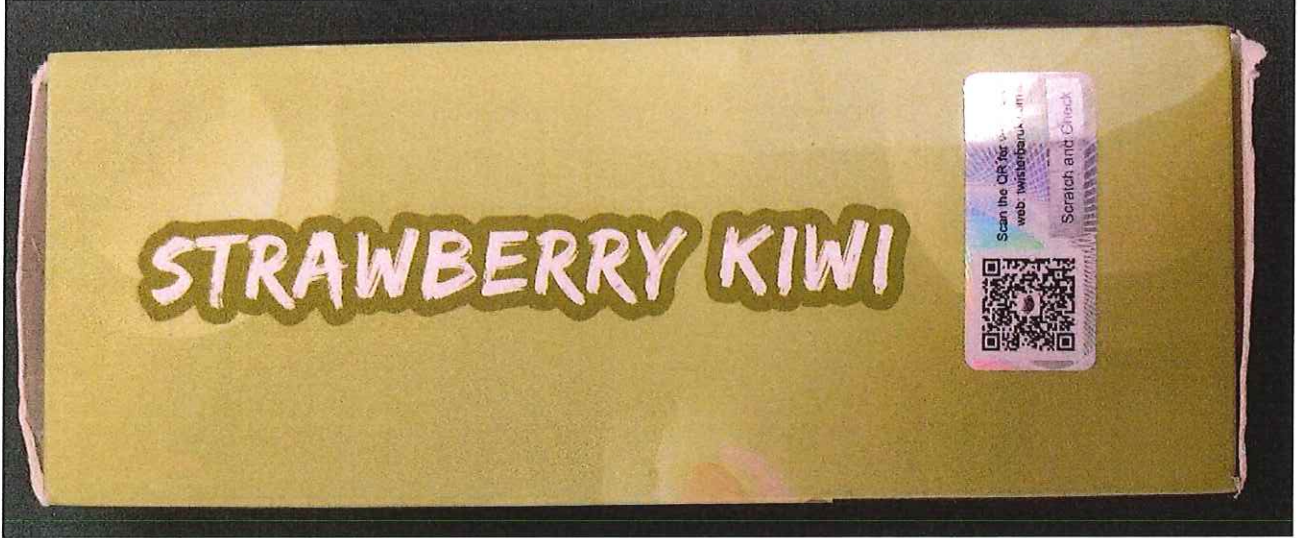
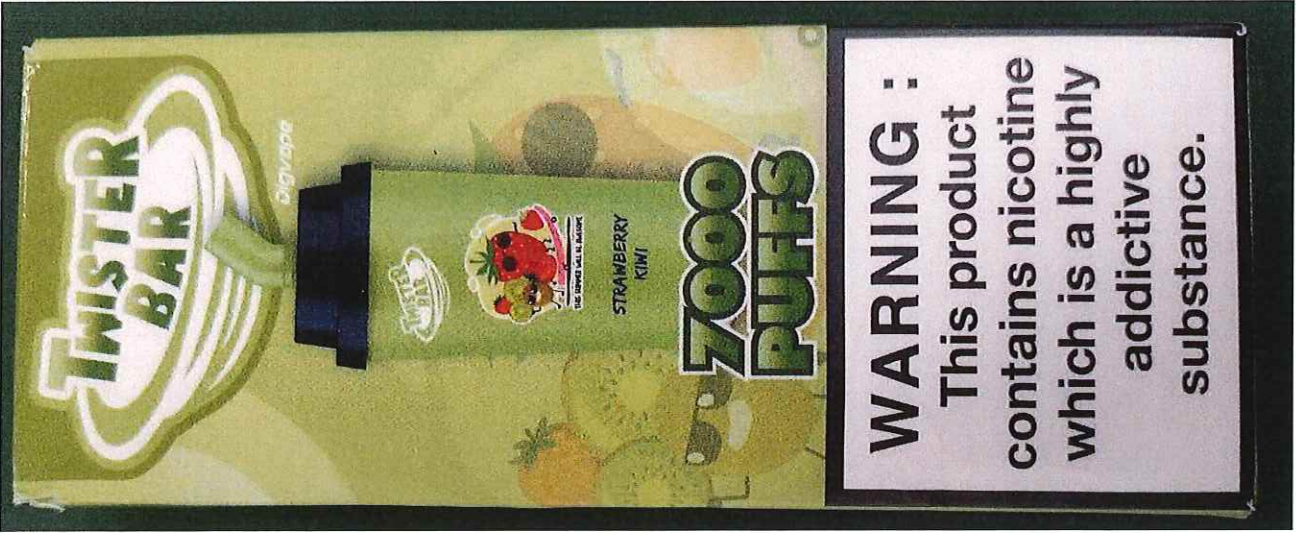
**This product contains nicotine which is a highly addictive substance.**



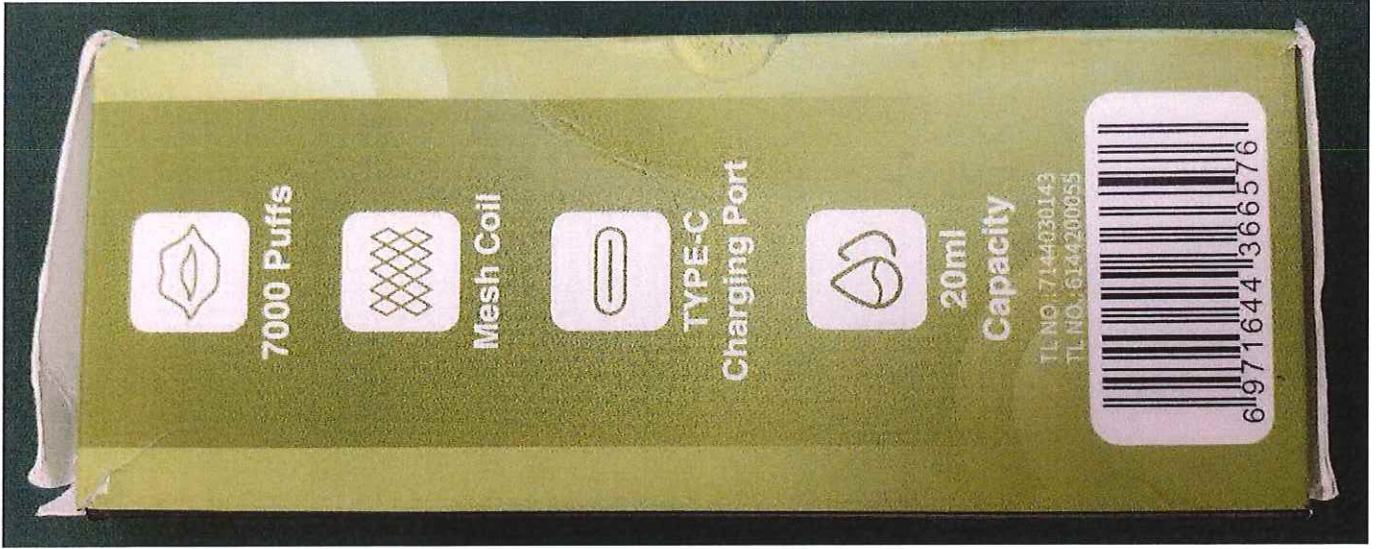















Oxfordshire County Council Trading Standards Service	
Exhibit:	SM/12
Dated:	20/03/24
Signed:	























**WARNING:  
STRICTLY  
FOR 18  
YEARS  
AND OVER**

INGREDIENTS:  
Vegetable Glycerine,  
Propylene Glycol,  
Natural /Artificial Flavours  
SHISHA: MANGO BANANA  
**NICOTINE: 0mg/ml**  
1001049009



**WARNING:  
STRICTLY  
FOR 18  
YEARS  
AND OVER**

INGREDIENTS:  
Vegetable Glycerine,  
Propylene Glycol,  
Natural /Artificial Flavours  
ALIEN: PEACH ICE  
**NICOTINE: 0mg/ml**  
1001046020

Dit product bevat de zeer verslavende stof nicotine. Het gebruik ervan wordt aangeraden voor niet-rokers.  
La nicotine contenue dans ce produit crée une forte dépendance. Son utilisation par les non-fumeurs n'est pas recommandée.  
Dieses Produkt enthält Nikotin, einen Stoff, der sehr stark abhängig macht. Es wird nicht für den Gebrauch durch Nichtraucher empfohlen.



**WARNING:  
STRICTLY  
FOR 18  
YEARS  
AND OVER**

INGREDIENTS:  
Vegetable Glycerine,  
Propylene Glycol,  
Natural /Artificial Flavours  
SHISHA: MANGO BANANA  
**NICOTINE: 0mg/ml**  
1001049009

**WARNING:**  
If you are not a nicotine user, kindly do not use this particular product. This product contains nicotine which is highly toxic.  
INGREDIENTS:  
Vegetable Glycerine, Propylene Glycol, Natural /Artificial Flavours, Nicotine Salt  
SHISHA: MANGO BANANA  
**NICOTINE: 20mg/ml**  
1001012009



**WARNING:  
STRICTLY  
FOR 18  
YEARS  
AND OVER**

INGREDIENTS:  
Vegetable Glycerine,  
Propylene Glycol,  
Natural /Artificial Flavours  
ALIEN: PEACH ICE  
**NICOTINE: 0mg/ml**  
1001046020

**WARNING:**  
If you are not a nicotine user, kindly do not use this particular product. This product contains nicotine which is highly toxic.  
INGREDIENTS:  
Vegetable Glycerine, Propylene Glycol, Natural /Artificial Flavours, Nicotine Salt  
ALIEN: PEACH ICE  
**NICOTINE: 20mg/ml**  
100101020



scenesafe scenesafe  
 TO CLOSE, PEEL OFF BLUE TAPE TO EXPOSE GLUE AND PRESS ORANGE TAPE DOWN FIRMLY FOR YOUR SIGNED APPROVAL

<p><b>Palenie zwiększa ryzyko utraty wzroku</b></p> <p><small>Dowiedz się jak rzucić palenie 801 108 108 www.jakrzucicpalenie.pl</small></p>  	<p><b>Palenie jest przyczyną zawałów serca</b></p> <p><small>Dowiedz się jak rzucić palenie 801 108 108 www.jakrzucicpalenie.pl</small></p>  	<p><b>Palenie zwiększa ryzyko utraty wzroku</b></p> <p><small>Dowiedz się jak rzucić palenie 801 108 108 www.jakrzucicpalenie.pl</small></p>  	<p><b>Palenie jest przyczyną miażdżycy</b></p> <p><small>Dowiedz się jak rzucić palenie 801 108 108 www.jakrzucicpalenie.pl</small></p>  
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# EVIDENCE BAG

PLEASE ENSURE THAT ALL BOXES IN BOLD ARE COMPLETED AT THE SCENE OF THE EXHIBIT RECOVERY

<p>Organisation: <u>OSP 1219</u></p> <p>Exhibit No: <u>MPL 0324/S</u></p> <p>Case Ref No: _____</p> <p>Property Ref No: _____</p> <p>Description of Exhibit: <u>9 x Marlboro Gold</u></p> <p>Recovered/Obtained From: _____</p> <p>Recovered/Obtained By Name: <u>[Redacted]</u></p> <p>Rank/Title: _____ Signed: <u>[Redacted]</u></p> <p>Time/Date Recovered/Obtained: <u>15:40 20/03/29</u></p> <p>Operation Name: _____</p> <p>Incident/HOLMES No: _____</p> <p>Major Incident Exhibit No: _____</p> <p>Sample/Reference No: _____</p> <p>Lab Ref No: _____</p> <p>Court Exhibit No: _____</p> <p>R-V: _____</p>	<p>(Continuity)</p> <p>Name/Rank/No. (Block Letters): _____</p> <p>Signed: _____</p> <p>Date: _____</p> <p>Name/Rank/No. (Block Letters): _____</p> <p>Signed: _____</p> <p>Date: _____</p> <p>Name/Rank/No. (Block Letters): _____</p> <p>Signed: _____</p> <p>Date: _____</p> <p>Name/Rank/No. (Block Letters): _____</p> <p>Signed: _____</p> <p>Date: _____</p> <p>Name/Rank/No. (Block Letters): _____</p> <p>Signed: _____</p> <p>Date: _____</p>	<p>(Continuity)</p> <p>Name/Rank/No. (Block Letters): _____</p> <p>Signed: _____</p> <p>Date: _____</p> <p>Name/Rank/No. (Block Letters): _____</p> <p>Signed: _____</p> <p>Date: _____</p> <p>Name/Rank/No. (Block Letters): _____</p> <p>Signed: _____</p> <p>Date: _____</p> <p>Name/Rank/No. (Block Letters): _____</p> <p>Signed: _____</p> <p>Date: _____</p> <p>Name/Rank/No. (Block Letters): _____</p> <p>Signed: _____</p> <p>Date: _____</p>
<p>Recovered By: _____ Date: _____</p>	<p>Witnessed By: _____ Signature: _____ Time: _____ Date: _____</p>	






**Smoking  
doubles your  
risk of stroke**

Get help to stop smoking at [www.nhs.uk/quit](http://www.nhs.uk/quit)

Amber Leaf  
Original

100% Hand Picked Tobacco



**Smoking causes  
peripheral  
vascular disease**

Get help to stop smoking at [www.nhs.uk/quit](http://www.nhs.uk/quit)

Amber Leaf  
Original



**Los hijos de  
fumadores tienen  
más probabilidades  
de empezar a fumar**

Ayuda para dejar de fumar  
<http://puedesdejarlo.es>

2015  
183905

GOLDEN VIRGINIA  
THE ORIGINAL  
AMBER LEAF





**Smoking doubles your risk of stroke**

Get help to stop smoking at [www.nhs.uk/quit](http://www.nhs.uk/quit)


0000443055307



**Smoking causes peripheral vascular disease**

Get help to stop smoking at [www.nhs.uk/quit](http://www.nhs.uk/quit)

0000443055307



**Los hijos de fumadores tienen más probabilidades de empezar a fumar**

Ayuda para dejar de fumar <http://www.nhs.uk/quit>

Golden Virginia

0000443055307



Smoking kills –  
quit now

Amber Leaf  
Original

JT International, Customer Contact Centre  
PO Box 8, Crawley, CW11 1GF  
consumers@jt.com 0800 181519

For Duty Free Sale Only

50g Hand Rolling Tobacco

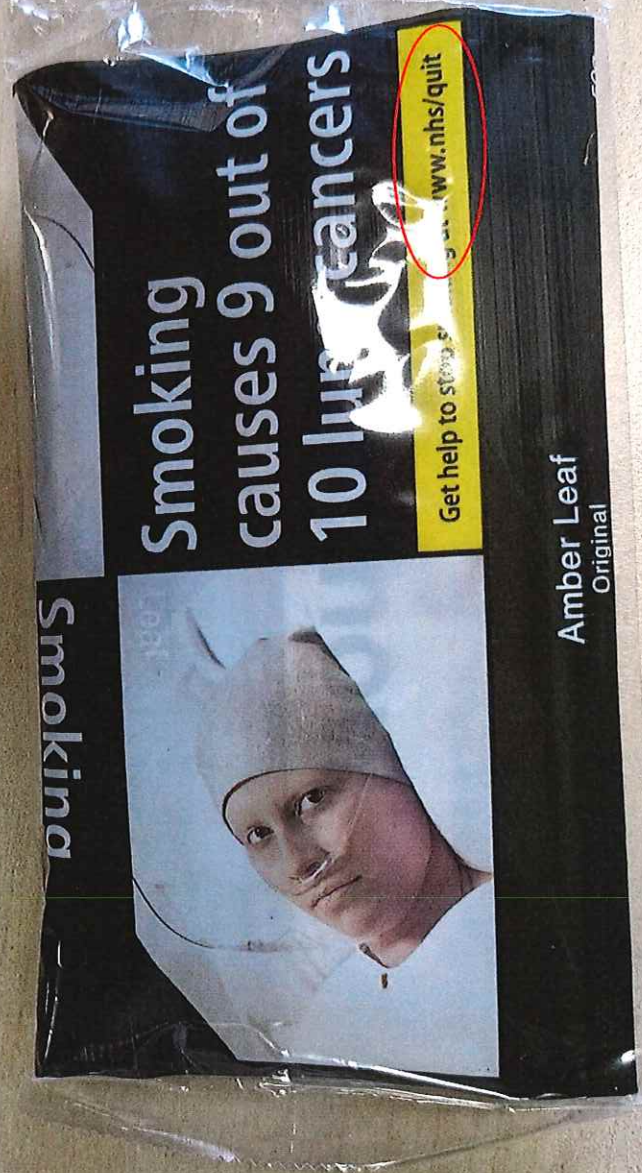


KEEPSAFE KEEPSAFE KEEPSAFE KEEPSAFE

DOWN FIRMLY.

TO CLO











# ANNEX - 7 (1 page)

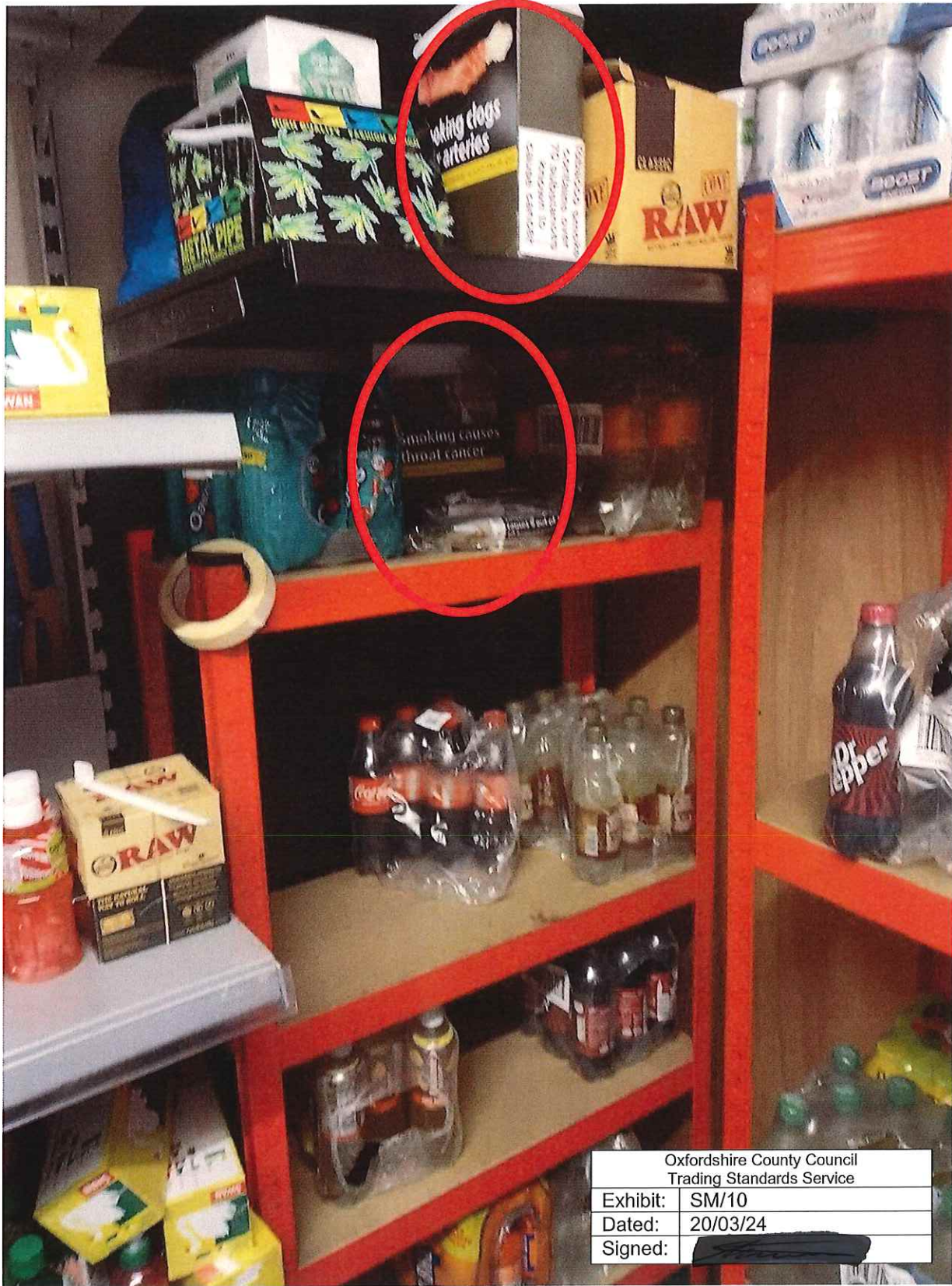
Exhibit	Brand and Size	Quantity	Notes	Location seized
MP/200324/1	Amber leaf 50g	1	Counterfeit – marked “duty paid”	Given to officers by the employee from behind the till point.
MP/200324/2	Amber leaf 50g	1	Counterfeit – marked “duty paid”	Given to officers by the employee from behind the till point
MP/200324/3	Amber leaf 50g	2	Smuggled – marked duty free sales only	Given to officers by the employee from behind the till point
MP/200324/4	Golden Virginia 50g	1	Smuggled – labelled in Spanish	Given to officers by the employee from behind the till point
MP/200324/5	Amber leaf 50g	1	Counterfeit – marked “duty paid”	Storeroom
MP/200324/6	Amber leaf 50g	4	Counterfeit – marked “duty paid	Storeroom
MP/200324/7	Amber leaf 50g	10	Smuggled – marked duty free sales only	Storeroom
MP/200324/8	Marlboro Gold 20 cigarettes	4	Smuggled – labelled in Polish	Found by detection dog from behind till point

Totals;  
 19 x Amber leaf 50g (7 counterfeit)  
 1 x Golden Virginia 50g  
 4 x Marlboro Gold 20 cigarettes



# ANNEX - 8 (2 pages)

Photograph taken in stock room of Gold Star Off Licence, Abingdon showing the location where the Amber Leaf hand-rolling tobacco (circled) was found.



Oxfordshire County Council Trading Standards Service	
Exhibit:	SM/10
Dated:	20/03/24
Signed:	[Redacted Signature]



Photograph taken in stock room of Gold Star Off Licence, Abingdon showing the location where the ENE Legend 3500 disposable e-cigarettes were found.



Photograph taken at Gold Star Off Licence, Abingdon showing the location where the shopping bags containing disposable e-cigarettes were found.





# ANNEX - 9 (14 pages)

Reference: 35300

Oxfordshire County Council Trading Standards Service	
Exhibit:	SM/5
Dated:	20/02/24
Signed:	[REDACTED]



**OXFORDSHIRE  
COUNTY COUNCIL**

Trading Standards Service  
Graham Hill House  
Electric Avenue  
Ferry Hinksey Road  
Oxford OX2 0BY

[REDACTED]  
Head of Trading Standards

10<sup>th</sup> July 2023

Mr J Reda, director  
Shop Smart Enterprise Ltd  
T/A Gold Star Off Licence  
256 Ock Street  
Abingdon  
Oxfordshire  
OX14 5DR

Dear Mr Reda,

- 1. Tobacco and Related Products Regulations 2016**
- 2. Classification, Labelling and Packaging of Substances and Mixtures Regulation (EC) 1272/2008 (as amended and retained in UK Law)**
- 3. The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012**
- 4. General Product Safety Regulations 2005**

I visited your premises on the 4<sup>th</sup> July 2023 to inspect the disposable e-cigarettes (aka "puff bars" or "vape pens") on sale to assess their compliance with the above-mentioned legislation.

As non-compliance was detected, the purpose of this letter is to explain the requirements of the legislation and to assist you in trading lawfully in the future.

This letter also sets out what will now happen with the products which were seized from your premises due to them being in breach of the above Regulations.

## **1 – Legal requirements relating to the supply of e-cigarettes containing nicotine**

### **Tobacco and Related Products Regulations 2016**

#### **Requirement for products to be notified to the MHRA prior to sale**

You can only sell pre-filled disposable e-cigarettes or any other vaping liquid that contains nicotine which have been notified to the Medicines and Healthcare products Regulatory Authority (MHRA). When sourcing new supplies of any e-cigarette or e-liquid product, check that a compliant notification has been published in one of the Notified Product lists that can be found on the MHRA's website (<https://cms.mhra.gov.uk/>).

If you cannot find the product on the MHRA's website, ask your supplier to confirm that it has been published and provide details to enable you to confirm the products status. If a product has yet to achieve publication status, they may not supply it to you. Any stock offered for sale without said MHRA publication status is liable to seizure.



## The Maximum Capacity & Strength of E-Cigarettes

Nicotine containing liquid which is presented for sale in a disposable electronic cigarette must not be in a volume exceeding 2ml. The products seized from your premises, mainly RandM, ENE, ELUX and BIFF BAR e-cigarettes all have capacities that significantly exceed the 2ml limit with some (like the VNSN products) containing as much as 20ml of nicotine containing liquid i.e. 10 time the maximum legal capacity.

In addition to the above products we are also aware of businesses in Oxfordshire being offered the following products that also exceed the maximum tank size:

<b><u>Brand:</u></b>	<b><u>Size:</u></b>
M Bar	10ml
Reymont 3788	Approx. 10ml
RandM Tornado	14ml to 18ml
Vape With a Bang XXL	6.0ml
Supbliss	16ml
Nord Bar	8.5ml
Vu Lounge	4.8ml
Puff Plus	3.2ml
Aroma King 7000	14ml
Vapmod Allspark 5K	15ml
Sonic XXL	Approx. 15ml
ELUX 3500/Pro 3500	Approx. 10ml
Elf Bar BC5000	13ml
Hipster 2600	8ml

Please note that this is not an exhaustive list and there are other brands available that also exceed the 2ml maximum- no disposable e-cigarette with a capacity over 2ml can be legally sold.

The maximum nicotine content of any type of e-cigarette be it a re-fillable or a disposable device is 2% (or 20mg/ml in liquid form). Devices with a nicotine content higher than 2% cannot be sold in the UK. Please be aware that many manufacturers, for example Elf Bar, produce different versions of the same brand/flavour for both the EU/UK market where the limit is 2% and also for other markets (i.e. the USA) where the limit is higher- typically 5%. You must make sure that any stock you order, particularly if you are ordering online, is intended for supply to the UK market.

## Labelling of E-Cigarettes

Each unit pack (individual e-cigarette) must include a leaflet which provides the following information. If the required leaflet information can fit on the pack and other labelling within the pack without loss of legibility to the consumer, a separate leaflet insert is not required. Such information should include:

- Instructions for use and storage of the product, including a reference that the product is not recommended for use by young people and non-smokers;
- Contra-indications;
- Warnings for specific risk groups;
- Possible adverse effects;



- Addictiveness and toxicity;
- Contact details of the producer. The producer is any person who, in the course of a business, with a view to supplying the product for consumption in the United Kingdom or through the travel retail sector
  - manufacturers the product
  - puts a name, trade mark or other distinguishing mark on it by which the person is held out to be its manufacturer or originator; or
  - imports it into any part of the United Kingdom

Each unit pack (individual e-cigarette) and any container pack (packaging containing one or more unit pack) must include:

- A list of all ingredients contained in the product set out in descending order by weight;
- An indication of the nicotine content of the product and the delivery per dose;
- The batch number
- A recommendation to keep the product out of reach of children.
- A warning on the front and back surfaces of the pack stating: **“This product contains nicotine which is a highly addictive substance”**. This wording must be used exactly as stated, occupy the greatest possible proportion of the space reserved for it and must cover 30% of the surface.

**Please note:** On a number of devices found during recent inspections this phrase is incorrectly given as *“This product contains nicotine which is a highly addictive chemical”* or *“This product contains nicotine. Nicotine is a highly addictive chemical.”* These alternative wordings are not compliant with UK packaging regulations and products with this alternative wording must not be offered for sale. If they are then you will be committing an offence under the TRPR and the products are liable to be seized. If you are provided with stock bearing any warning that deviates from the above, approved, wording we recommend that you return it to your supplier immediately.

Packs may not contain anything that:



- Promotes the product by creating an erroneous impression about its characteristics, health effects, risks or emissions.
- Suggests the product is less harmful, has health benefits or environmental advantages.
- Resembles a food or a cosmetic product (though images of the flavourings are acceptable).
- Suggests economic advantage – e.g. vouchers, offering discounts, free distribution, two-for-one, etc.

Where the packaging of the devices remaining on your premises does not meet these requirements you must ensure that it does before it is offered for sale. Any non-compliant stock must be removed from sale until this has been done- failure to do so may amount to an offence for which you are liable. This may be accomplished by the addition of stickers/labels to the products which provide the necessary information; by new packaging being provided or some other alternative method carried out by the Producer/Manufacturer/Importer, provided that it brings the product into compliance with the above. If this is not possible then we would recommend that you seek to return these items to your supplier.



## CLP (classification, labelling and packaging) Regulation (CE) 1272/2008

Nicotine, or salts of nicotine are, in most but not all, cases the only hazardous substance contained in e-liquids. The labelling of the product therefore commonly depends on the concentration of nicotine or salts of nicotine it contains. The table below indicates the CLP hazard classification that might be required for mixtures containing different concentrations of nicotine and salts of nicotine. Where products contain concentrations above 0.3% the label should include the relevant pictogram, signal word, hazard statement and up to six of the precautionary statements. It is for the producer to assess which precautionary statements should be present. The packaging should also be fitted with a tactile warning triangle that complies with BS EN ISO 11683 PACKAGING - TACTILE WARNINGS OF DANGER - REQUIREMENTS

0.0% to 0.2% nicotine	0.3% to 1.6% nicotine	1.7% to 2.0% nicotine
Not classified	Harmful, Oral tox. Category 4	Toxic, Oral tox. Category 3
Signal Word: N/A	Signal Word: Warning	Signal Word: Danger
Hazard Pictogram: None		
Hazard Statement: N/A	Hazard Statement: H302: Harmful if swallowed	Hazard Statement: H301: Toxic if swallowed
Recommended precautions that should be present on the label:		
It is not compulsory, but advised, to use the following: P101: If medical advice is needed, have product container or label to hand. P102: Keep out of reach of children. P405: Store locked up	P101: If medical advice is needed, have product container or label to hand. P102: Keep out of reach of children. P264: Wash ... thoroughly after handling. P270: Do not eat, drink or smoke when using this product. P301 & P312: IF SWALLOWED: Call a POISON CENTER or doctor/physician if you feel unwell. P330: Rinse mouth. P501: Dispose of contents/container to...	P101: If medical advice is needed, have product container or label to hand. P102: Keep out of reach of children. P264: Wash ... thoroughly after handling. P270: Do not eat, drink or smoke when using this product. P301 & P310: IF SWALLOWED: Immediately call a POISON CENTER or doctor/physician. P321: Specific treatment (see... on this label). P330: Rinse mouth. P405: Store locked up P501: Dispose of contents/container to...

### Other requirements for e-cigarettes

Manufacturers, Importers and Distributors of e-cigarettes also need to comply with the **Restriction of Hazardous Substances in Electrical and Electronic Equipment Regulations 2012** (known as RoHS). These regulations limit the amount of certain hazardous substances in specific electrical and electronic equipment (EEE), of which e-cigarettes are included. They place obligations onto Manufacturers, Importers and Distributors of e-cigarette models. Details can be found here: <https://www.gov.uk/guidance/rohs-compliance-and-guidance>. This regulation is enforced by the Office for Product Safety and Standards, part of the Department for Business, Energy and Industrial Strategy (which includes Trading Standards). Items which do not comply with these regulations are liable for seizure by Trading Standards.

Distributors (anyone in the supply chain who is not a manufacturer or importer e.g. retailers and wholesalers) who makes EEE available on the market must ensure that the following are clearly identifiable on the products:



- The required “conformity mark”. This is a CE mark or UKCA mark and please be aware that from the 31<sup>st</sup> December 2024 only the UKCA mark will be allowed; and
- information identifying the manufacturer and importer (name, registered trade name or registered trademark and a single address).

If the information cannot fit on the product itself then the name and address can be given on the packaging or any accompanying documents. The conformity marking must be given on both. These products should now include a UK address following Brexit as the manufacturer/their authorised representative or the importer should be established in the UK and hold the relevant technical documentation to show compliance.

The products seized were either not marked with a compliant name or address or did not carry the CE or UKCA mark.

Please note Producers, Manufacturers, Importers and Distributors of e-cigarettes may also be subject to other legislative requirements, some of which are not enforced by Trading Standards and are not covered in this letter. This letter is not a comprehensive guide to all legislative requirements applicable to e-cigarettes.

## **2 – What happens now to the products seized from your premises?**

The products seized from your premises due to non-compliance with the above legislation are detailed in the Annex to this letter.

The non-compliances detected are likely to amount to criminal offences. If prosecuted and found guilty, you could face an unlimited fine and even imprisonment.

However, on this occasion this Authority does not intend to take such formal action and is willing to work with you so that you understand the law on the strict proviso that no non-compliant products may be supplied, by you, at retail. In addition, your premises will be visited again in the future to assess compliance. If further breaches of the above legislation are detected, it is unlikely that a lenient approach will be taken again. However, our current approach is contingent on the conditions below being met by you:

- (i) We require you to provide to us at Trading Standards invoices/receipts and supplier contact details for all the products found at your premises on the 4<sup>th</sup> July 2023 that were seized (as detailed in the accompanying forms). You are obliged to provide this information under Regulation 8 of the General Product Safety Regulations 2005 and failure to do so could lead you to commit further criminal offences for which the penalty is a fine and or up to 3 months imprisonment – failure to provide this information may lead us to consider prosecution as a separate matter to issues with the seized e-cigarettes, themselves.
- (ii) That you to return a signed copy of the acknowledgement form that accompanies this letter



### **3 - Forfeiture of the Seized Products**

If you agree with this course of action, you should complete the acknowledgement form and voluntary forfeiture form and return them to me, along with the information specified above, by the **25<sup>th</sup> July 2023**.

I look forward to hearing from you. You may wish to seek legal advice in the meantime.

There is also further guidance on how to spot non-compliant e-cigarettes and how to prevent underage sales available on the County Council's website at the address below:

<https://www.oxfordshire.gov.uk/business/trading-standards/advice-communities/e-cigarettes-and-vape-pens>

Yours sincerely,

[Redacted signature]

[Redacted name]

Enforcement Officer

Direct line: [Redacted]

Email: [Redacted]

[www.oxfordshire.gov.uk/tradingstandards](http://www.oxfordshire.gov.uk/tradingstandards)



# ANNEX- ITEMS SEIZED ON 04/07/23

Premises: Shop Smart Enterprise Ltd t/a Gold Star Off Licence, 256 Ock Street, Abingdon, OX14 5DR

Brand:	Flavour:	Non-compliant re traceability?	Non-compliant re CLP markings?	Excess nicotine?*	Excess capacity?*	Number:
Prime Bar	Strawberry Watermelon	Yes	Yes	No	Yes	8
Prime Bar	Tropical Punch	Yes	Yes	No	Yes	8
Prime Bar	Peach Mango	Yes	Yes	No	Yes	2
Prime Bar	Mango Orange	Yes	Yes	No	Yes	1
Reymont	Melon Ice	Yes	Yes	No	Yes	9
Reymont	Monster	Yes	Yes	No	Yes	1
HQD	Iced Tea	Yes	Yes	No	Yes	2
Insta Bar	Cherry Cola	Yes	Yes	No	Yes	10
Insta Bar	Strawberry Banana	Yes	Yes	No	Yes	5
Insta Bar	Strawberry Ice	Yes	Yes	No	Yes	5
Insta Bar	Red Apple Ice	Yes	Yes	No	Yes	2
VNSN	Pink Lemonade	Yes	Yes	Yes	Yes	9
VNSN	Peach Mango Watermelon	Yes	Yes	Yes	Yes	6
Enjoy Ultra	Blue Razz Cherry	Yes	Yes	No	Yes	9
Enjoy Ultra	Blueberry	Yes	Yes	No	Yes	8
Enjoy Ultra	Gummy Bear	Yes	Yes	No	Yes	5
Enjoy Ultra	Lemon Lime	Yes	Yes	No	Yes	3
Enjoy Ultra	Mr Blue	Yes	Yes	No	Yes	1
Magic Bar Max	Strawberry Ice	Yes	No	No	Yes	2
Bou Pro	Kiwi Pomegranate Ice	Yes	Yes	No	Yes	11
Bou Pro	Red Bull Ice	Yes	Yes	No	Yes	8
Bou Pro	Mango Ice	Yes	Yes	No	Yes	6
Bou Pro	Grape Ice	Yes	Yes	No	Yes	4
Bou Pro	Passion Fruit Mango Ice	Yes	Yes	No	Yes	4
Bou Pro	Strawberry Watermelon Ice	Yes	Yes	No	Yes	2



# ANNEX- ITEMS SEIZED ON 04/07/23

Brand:	Flavour:	Non-compliant re traceability?	Non-compliant re CLP markings?	Excess nicotine?*	Excess capacity?*	Number:
Crystal Pro MAX	Fizzy Cherry	Yes	Yes	No	Yes	21
Crystal Pro MAX	Vimbull Ice	Yes	Yes	No	Yes	9
Crystal Pro MAX	Skittles	Yes	Yes	No	Yes	8
Crystal Pro MAX	Summer Dream	Yes	Yes	No	Yes	2
Crystal Legend	Red Bull Ice	Yes	Yes	No	Yes	2
SKE Crystal Super Max	Blue Fusion	Yes	Yes	No	Yes	6
Biffbar Lux 5500	Unicorn Shake	Yes	Yes	No	Yes	10
Biffbar Lux 5500	Mr Blue	Yes	Yes	No	Yes	8
Biffbar Lux 5500	Fuji Grape	Yes	Yes	No	Yes	8
Biffbar Lux 5500	Blueberry Sour Raspberry	Yes	Yes	No	Yes	7
Biffbar Lux 5500	Summer Peach Ice	Yes	Yes	No	Yes	6
Biffbar Lux 5500	Love Story	Yes	Yes	No	Yes	6
Biffbar Lux 5500	Sparkling Orange Energy Drink	Yes	Yes	No	Yes	4
RandM 9000	Strawberry Watermelon	Yes	Yes	No	Yes	8
RandM 9000	Peach Lemonade	Yes	Yes	No	Yes	8
RandM 9000	Aloe Grape	Yes	Yes	No	Yes	7
RandM 9000	Strawberry Banana	Yes	Yes	No	Yes	7
RandM 9000	Peach Berry	Yes	Yes	No	Yes	7
RandM 9000	Lush Ice	Yes	Yes	No	Yes	6
RandM 9000	Strawberry Ice	Yes	Yes	No	Yes	4
RandM 9000	Cool Mint	Yes	Yes	No	Yes	4
RandM 9000	Pink Lemonade	Yes	Yes	No	Yes	2
RandM 9000	Tropical Delight	Yes	Yes	No	Yes	2
RandM 9000	Watermelon Brazz Ice	Yes	Yes	No	Yes	2
RandM 9000	Mixed Berries	Yes	Yes	No	Yes	2
RandM 9000	Lemon & Lime	Yes	Yes	No	Yes	1



# ANNEX- ITEMS SEIZED ON 04/07/23

Brand:	Flavour:	Non-compliant re traceability?	Non-compliant re CLP markings?	Excess nicotine?*	Excess capacity?*	Number:
RandM 7000	Cola Ice	Yes	Yes	No	Yes	11
RandM 7000	Strawberry Banana	Yes	Yes	No	Yes	11
RandM 7000	Apple Peach Pear	Yes	Yes	No	Yes	11
RandM 7000	Cherry	Yes	Yes	No	Yes	10
RandM 7000	Gummy Bear	Yes	Yes	No	Yes	7
RandM 7000	Blueberry Pomegranate	Yes	Yes	No	Yes	7
RandM 7000	Blueberry Cherry Cranberry	Yes	Yes	No	Yes	6
RandM 7000	Grape Ice	Yes	Yes	No	Yes	6
RandM 7000	Blue Razz Lemonade	Yes	Yes	No	Yes	5
RandM 7000	Strawberry Watermelon Lemonade	Yes	Yes	No	Yes	5
RandM 7000	Pacific Cooler	Yes	Yes	No	Yes	4
RandM 7000	Cherry Cola	Yes	Yes	No	Yes	4
RandM 7000	Peach Mango	Yes	Yes	No	Yes	2
RandM 7000	Sour Apple	Yes	Yes	No	Yes	2
RandM 7000	Mango on Ice	Yes	Yes	No	Yes	1
RandM 7000	Strawberry Watermelon	Yes	Yes	No	Yes	1
RandM 7000	Red Apple Ice	Yes	Yes	No	Yes	1
RandM 7000	Pink Lemonade	Yes	Yes	No	Yes	1
RandM 7000	Blackcurrant Ice	Yes	Yes	No	Yes	1
RandM 7000	Banana Ice	Yes	Yes	No	Yes	1
Firerose EX45000	Apple Berry Blast	Yes	Yes	No	Yes	9
Firerose EX45000	Pink Lemonade	Yes	Yes	No	Yes	8
Firerose EX45000	Kiwi Passionfruit Guava	Yes	Yes	No	Yes	7
Firerose EX45000	Triple Melon	Yes	Yes	No	Yes	7
Firerose EX45000	Blueberry Bubble Gum	Yes	Yes	No	Yes	7
Firerose EX45000	Watermelon Ice	Yes	Yes	No	Yes	6
Firerose EX45000	Blueberry Sour Raspberry	Yes	Yes	No	Yes	6
Lost Mary BM35000	Blueberry On Ice	Yes	No	No	Yes	10
Lost Mary BM35000	Cherry Cola	Yes	No	No	Yes	9



# ANNEX- ITEMS SEIZED ON 04/07/23

Brand:	Flavour:	Non-compliant re traceability?	Non-compliant re CLP markings?	Excess nicotine?*	Excess capacity?*	Number:
Lost Mary BM35000	Triple Melon	Yes	No	No	Yes	7
Lost Mary BM35000	Watermelon Ice	Yes	No	No	Yes	7
Lost Mary BM35000	Energy	Yes	No	No	Yes	5
Lost Mary BM35000	Mad Blue	Yes	No	No	Yes	4
Lost Mary BM35000	Mango Peach	Yes	No	No	Yes	3
Lost Mary BM35000	Kiwi Passionfruit Guava	Yes	No	No	Yes	2
Lost Mary BM35000	Triple Berry Ice	Yes	No	No	Yes	1
ELUX 3500	Aloe Grape	Yes	Yes	No	Yes	16
ELUX 3500	Strawberry Watermelon Bubblegum	Yes	Yes	No	Yes	12
ELUX 3500	Fresh Mint Ribena	Yes	Yes	No	Yes	8
ELUX 3500	Fuji Melon	Yes	Yes	No	Yes	7
ELUX 3500	Clear	Yes	Yes	No	Yes	5
ELUX 3500	Berry Lemonade	Yes	Yes	No	Yes	4
ELUX 3500	Lemon Ribena	Yes	Yes	No	Yes	3
ELUX 3500	Cola	Yes	Yes	No	Yes	2
ENE 3500	Skittles	Yes	Yes	No	Yes	12
ENE 3500	Blueberry Sour Raspberry	Yes	Yes	No	Yes	11
ENE 3500	Apple Peach Pear	Yes	Yes	No	Yes	11
ENE 3500	Strawberry Raspberry Cherry Ice	Yes	Yes	No	Yes	10
ENE 3500	Fresh Menthol Mojito	Yes	Yes	No	Yes	10
ENE 3500	Ice Pop	Yes	Yes	No	Yes	10
ENE 3500	Fizzy Cherry	Yes	Yes	No	Yes	10
ENE 3500	Peach Mango	Yes	Yes	No	Yes	9
ENE 3500	Strawberry Peach Lemon	Yes	Yes	No	Yes	9
ENE 3500	Vimto	Yes	Yes	No	Yes	9
ENE 3500	Unicorn Shake	Yes	Yes	No	Yes	9
ENE 3500	Peach Blueberry Candy	Yes	Yes	No	Yes	9
ENE 3500	Lemon Ribena	Yes	Yes	No	Yes	8



# ANNEX- ITEMS SEIZED ON 04/07/23

Brand:	Flavour:	Non-compliant re traceability?	Non-compliant re CLP markings?	Excess nicotine?*	Excess capacity?*	Number:
ENE 3500	Berry Lemonade	Yes	Yes	No	Yes	8
ENE 3500	Cotton Candy	Yes	Yes	No	Yes	7
ENE 3500	Jungle Juice	Yes	Yes	No	Yes	7
ENE 3500	Blueberry Pomegranate	Yes	Yes	No	Yes	7
ENE 3500	Strawberry Ice Cream	Yes	Yes	No	Yes	7
ENE 3500	Strawberry Grape	Yes	Yes	No	Yes	6
ENE 3500	Strawberry Energy	Yes	Yes	No	Yes	5
ENE 3500	White Peach Razz	Yes	Yes	No	Yes	5
ENE 3500	Sour Apple	Yes	Yes	No	Yes	5
ENE 3500	Lemon Peach Passionfruit	Yes	Yes	No	Yes	3
ENE 3500	Blue Razz Lemonade	Yes	Yes	No	Yes	3
ENE 3500	Blueberry Raspberry	Yes	Yes	No	Yes	3
ENE 3500	Pineapple	Yes	Yes	No	Yes	3
ENE 3500	Mr Pink	Yes	Yes	No	Yes	3
ENE 3500	Lime Lemon	Yes	Yes	No	Yes	2
ENE 3500	Banana Ice	Yes	Yes	No	Yes	2
ENE 3500	Fresh Mint	Yes	Yes	No	Yes	2
ENE 3500	Blueberry Bubblegum	Yes	Yes	No	Yes	2
ENE 3500	Kiwi Passionfruit Guava	Yes	Yes	No	Yes	1
TOTAL:						748



**ACKNOWLEDGEMENT FORM**

I hereby acknowledge that written advice has been received regarding the relevant legislative controls that relate to the supply of e-cigarettes. I also acknowledge that continuing to sell the type of non-compliant disposable e-cigarettes as outlined in the letter accompanying this form, constitutes a criminal offence for which I may be liable.

**Business:** Shop Smart Enterprise Ltd t/a Gold Star Off Licence

**Address:** 256 Ock Street, Abingdon, Oxfordshire, OX14 5DR

**Print name:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Ref:** 35300



# OXFORDSHIRE COUNTY COUNCIL

Trading Standards Service  
Graham Hill House, Electric Avenue, Oxford OX2 0BY

Telephone: 01865 895999  
[Trading\\_standards@oxfordshire.gov.uk](mailto:Trading_standards@oxfordshire.gov.uk)

## VOLUNTARY FORFEITURE OF GOODS

**Name:** Shop Smart Enterprise Ltd t/a Gold Star Off Licence

**Address:** 256 Ock Street, Abingdon, Oxfordshire, OX14 5DR

**Telephone Number:**

**Email:**

**Trading Standards Reference:** 35300

I confirm that I am the owner of the following goods:

1. Nineteen (19) PRIME disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
2. Ten (10) REYMONT disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
3. Twenty-two (22) INSTA BAR disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
4. Fifteen (15) VNSN disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
5. Twenty-six (26) ENJOY ULTRA disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
6. Thirty-five (35) BOU PRO disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
7. Forty (40) CRYSTAL PRO MAX disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
8. Forty-nine (49) BIFF BAR disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
9. One hundred and fifty-seven (157) RANDM disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
10. Fifty (50) FIREROSE disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
11. Forty-eight (48) LOST MARY BM3500 disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
12. Fifty-seven (57) ELUX disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
13. Two hundred and eight (208) ENE disposable e-cigarettes of various flavours detailed in the annex supplied with this form.
14. Two (2) HQD 1200 iced tea flavour disposable e-cigarettes.



- 15. Two (2) MAGIC BAR MAX strawberry ice flavour disposable e-cigarettes.
- 16. Two (2) CRYSTAL LEGEND red bull ice flavour disposable e-cigarettes.
- 17. Six (6) SKE CRYSTAL SUPER MAX blue fusion disposable e-cigarettes.

Being a total of 748 (seven hundred and forty-eight) disposable e-cigarettes.

I hereby voluntarily assign ownership and all rights in the above described goods to Oxfordshire County council and request that the goods be destroyed/disposed of in an appropriate manner.

Print full name.....

Signature.....

Date.....

Signature witness by (print full name).....

Signature of witness .....



RECEIVED 17 AUG 2023

## ACKNOWLEDGEMENT FORM

I hereby acknowledge that written advice has been received regarding the relevant legislative controls that relate to the supply of e-cigarettes. I also acknowledge that continuing to sell the type of non-compliant disposable e-cigarettes as outlined in the letter accompanying this form, constitutes a criminal offence for which I may be liable.

**Business:** Shop Smart Enterprise Ltd t/a Gold Star Off Licence

**Address:** 256 Ock Street, Abingdon, Oxfordshire, OX14 5DR

**Print name:** J. REDA

**Position:** SHOP MANAGER

**Signed:** [REDACTED]

**Date:** 12-08-23

**Ref:** 35300

Oxfordshire County Council Trading Standards Service	
Exhibit:	SM/6
Dated:	20/02/24
Signed:	[REDACTED]



# ANNEX -11 (2 pages)

## Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;



- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. 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.

## **Review of a premises licence following closure order or illegal working compliance order**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.



# ANNEX - 12 (9 pages)

366

[2010] LLR

**R (BASSETLAW DISTRICT COUNCIL) v WORKSOP  
MAGISTRATES' COURT  
[2008] EWHC 3530 (Admin)**

Queen's Bench Division

Slade J

7 November 2008

*Premises licence – Unauthorised sales to under age persons – Review –  
Appeal – Licensing objectives – Licensing Act 2003*

Following test purchases conducted by trading standards officers of Bassetlaw District Council (the council) at the off-licence premises of Mr and Mrs Jones, when alcohol was sold to two 14-year-old girls on four occasions, the council instituted a review of the premises licence. The licensing committee suspended the licence for 1 month. Mr and Mrs Jones appealed to the magistrates' court where the district judge allowed the appeal and instead imposed what were said by him to be additional conditions on the licence. He stated that it was not the function of the licensing authority to punish licensees for an infringement of licensing law and that the authority's powers were restricted to guidance or remedial action. The council sought judicial review of that decision for the purposes only of clarification as to the correctness in law of the decision.

**Held** – granting judicial review –

(1) The district judge had considered solely the provisions of the Guidance which were not specific to reviews arising in connection with crime. A proper reading and application of the Guidance, which governs the approach which the licensing authority must take in discharging its duties, requires where the circumstances render it applicable, the consideration of the paragraphs relating to reviews in connection with crime. Where criminal activity is applicable wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances deterrence is an appropriate objective and one contemplated in the Guidance issued by the Secretary of State.

(2) The Guidance contains specific provisions as to the approach to be adopted where criminal activity connected with the licensed premises is concerned. Plainly an appellate body must operate similar principles to those applicable to the licensing authority. The district judge failed to give reasons for a departure from the applicable guidance.

**Statutory provisions considered**

Licensing Act 2003, ss 4(2), (3), 51, 52(3), (4), 146(1), 182

**Cases referred to in judgment**

*Stepney Borough Council v Joffe*; *Stepney Borough Council v Diamond*; *Stepney Borough Council v White* [1949] 1 KB 599, [1949] 1 All ER 256, QBD

*James Quirke* for the claimant

The defendant did not appear and was not represented

*Cur adv vult*

**SLADE J:**

[1] Bassetlaw District Council applies for judicial review of the judgment and decision of a district judge allowing an appeal from decisions made on a



licensing authority's review of a licence held by Mr and Mrs Jones. The licensing committee of the district council had reviewed the premises licence of the premises where Mr and Mrs Jones operated, in the light of offences which had taken place on 10 March 2007 namely the unlawful sale of alcohol on the premises to two 14-year-old girls. The girls were sent to the premises for test purchases in accordance with arrangements made by the trading standards office. The sales took place over a relatively short period of time. Each girl made a separate purchase or purchases, was served by one of two different young cashiers. Having regard to these matters, on review the licensing authority suspended the licence for the premises for 1 month. There was an appeal to the district judge. The district judge overturned the decision of the licensing authority and instead imposed what were said by him to be, 'additional conditions on the licence'.

[2] Mr Quirke appears for the licensing authority. The district judge has served two statements in connection with this hearing, but otherwise takes no further part in it. The interested parties, Mr and Mrs Jones, were served with the notice of application but have not served an acknowledgement of service. I am also told that the licensing authority are not going to seek to overturn the determination of the district judge as to penalty. They seek, however, declarations as to the correctness in law of the decision and the judgment of the district judge.

[3] The grounds for judicial review may be analysed as falling under five headings. As will become apparent later on in this judgment, two of those matters can, in my judgment, be taken together.

[4] First, it is said that the district judge erred in holding that, in accordance with the Guidance issued by the Secretary of State, it is not the function of the licensing authority to punish licensees for an infringement of licensing law and provisions on its licence. Further, it is said that the district judge was in error in holding that, on a proper construction of the licensing provisions and guidance applicable, the licensing authority powers were restricted to guidance or remedial action which was the approach of the district judge. It is said that the steps which the licensing authority and the district judge on appeal may take include a range of powers which must be deployed according to the particular circumstances of the case.

[5] Secondly, it is said that the orders made by the district judge which were in substitution for the suspension of the licence imposed by the licensing authority were, in effect, not additions to the conditions of the licence which applied up to that point. Save in one respect they were merely a reiteration of steps which were already being taken or were already in fact conditions of the licence.

[6] Thirdly, it is said that the district judge erred in his approach to his own decision-making on appeal. It is said that he adopted a too generous approach to his powers on appeal in that he appears at 2, para 5 of his judgment to direct himself that he could take a decision standing in the shoes of the licensing authority having regard to the particular circumstances and considering whether the licensing authority's decision was justified. It is said that the district judge failed to give proper regard to the Guidance issued under s 182 of the Licensing Act 2003 in that he did not state that he was



departing from such guidance in certain respects. Since, it is said, that he departed from such guidance, he erred in failing to state why he was departing from such guidance.

[7] Fourthly, it is said that the district judge failed properly to apply and have regard to para 5.115 of the Guidance given under s 182 of the Licensing Act 2003. This sets out and categorises as criminal certain activities which may arise in connection with licensed premises and which the Secretary of State considers should be treated particularly seriously. Included in the use of licensed premises for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and prosperity for crime of young people. It is said that the district judge failed to pay proper regard to that. Where there has been a compliant of an incident which is categorised rightly as criminal activity in connection with licensed premises, it is said that the district judge failed to take into account para 5.113 of the guidance. This provides that the licensing authority's duty, in circumstances such as these, is:

‘... to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.’

[8] Finally, it is said that the district judge failed in his approach to pay proper regard to the guidance of Lord Goddard in the case of *Stepney Borough Council v Joffe*; *Stepney Borough Council v Diamond*; *Stepney Borough Council v White* [1949] 1 KB 599 which the judge himself referred to at 2 of his judgment, para 5. In *Joffe* it was said that although on an appeal, such as this, there is a right to a re-hearing. The appellate court should pay regard to the fact that the duly constituted and elected local authority have come to an opinion on the matter. The appellate body ought not lightly to reverse their opinion.

[9] *Discussion*

[10] I will briefly outline some of the relevant statutory provisions and guidance. Pursuant to the Licensing Act 2003, s 4, the licensing authority must carry out its function under the Act with a view to promoting the licensing objectives. Subsection (2) provides that:

‘The licensing objectives are—

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.’

[11] Importantly, s 4(3) provides:

‘In carrying out its licensing functions, a licensing authority must also have regard to—

...



(b) any guidance issued by the Secretary of State under section 1.282.'

[12] Section 52 of the Licensing Act 2003 applies where an application for a review of licence under s 51 has been made. Section 52(3) provides:

'The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection 4, if any, as it considers necessary for the promotion of the licensing objectives.'

[13] Those objects are set out in s 4.

[14] Section 52(4) provides that the steps are:

'(a) to modify the conditions of the licence ...

(d) to suspend the licence for the period not exceeding three months.

(e) to revoke the licence.

For this purpose the conditions of the licence are modified. If any of them is altered or omitted or any new condition is added.'

[15] It is to be noted that s 146(1) of the Licensing Act 2003 provides:

'A person commits an offence if he sells alcohol to an individual aged under 18.'

[16] Pursuant to s 182 of the Licensing Act 2003 guidance is issued. I have already outlined the requirement for the licensing authority in carrying out its functions to do so in accordance with the Guidance and to have regard to it. The background and the approach which should be taken to that guidance is set out in para 2.3 of the Guidance itself which was applicable at the relevant date. The Guidance was revised with effect from June 2007. Reference is made in para 2.3 to s 4 of the Licensing Act 2003 which provides that:

'In carrying out its functions, a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent.'

[17] It is recognised that the Guidance cannot anticipate every possible scenario or set of circumstances that may arise. So long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it, if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their decisions. Departure from the Guidance could give rise to an appeal or judicial review and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

[18] I will set out here the passages in the Guidance material to this application. Paragraph 5.99 provides:

'Proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems

associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. It is the existence of these procedures which should, in general, allow licensing authorities to apply a light touch bureaucracy to the grant and variation of premises licence by providing a review mechanism when concerns relating to the licensing objectives arise later in respect of individual premises.'

[19] The provisions relating to the power of the licensing authorities in conducting a review are set out in para 5.107 and following. Paragraph 5.107 provides:

'The 2003 Act provides a range of powers for the licensing authority on determining and review that it may exercise where it considers them necessary for the promotion of the licensing objectives.'

[20] At para 5.109, there are set out the steps which may be taken by the licensing authority where it considers that actions under its statutory powers are necessary. Those include modification of the condition of the premises licence, suspension of the licence and revocation of the licence; the suspension, being for a period not exceeding 3 months.

[21] Paragraph 5.110 provides that:

'In deciding which of the powers to invoke the licensing authority should so far as possibly seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.'

[22] Paragraph 5.111 refers to the need for any detrimental financial impact of a licensing authority's decision, in particular of suspension of a licence, to be considered.

[23] A separate section in the Guidance deals with reviews arising in connection with crime. In my judgment these provisions are particularly material to this case. Paragraph 5.112 states:

'A number of reviews may arise in connection with crime that is not directly connected with licensable activities.'

[24] It is agreed by Mr Quirke that the sale of alcohol on the premises to under age drinkers is connected with licensable activities. Indeed, in para 5.115 such activity is expressly referred to in the following terms:

'There is certain criminal activity that may arise in connection with licensed premises which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises [and there are enumerated a number of crimes ... which include] for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.'



[25] Of importance to the consideration of the case before me is also para 5.113 which provides:

‘Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps are necessary to be taken in connection with the premises licence for the promotion of the crime prevention objective.’

[26] The paragraph continues:

‘The licensing authority’s duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.’

[27] At para 5.114, there is a reference to the fact that it is not the role of the licensing authority to determine guilt or innocence, but it is stated that:

‘At the conclusion of the review, it will be for the licensing authority to determine, on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing act objectives in respect of the licence in question regardless of any subsequent judgment in the courts about the behaviour of individuals.’

[28] I now turn to a consideration of the various heads of challenge which Mr Quirke, on behalf of the licensing authority, makes to the judgment and determination of the district judge in this case. In the course of the discussion I may refer not just to the district judge’s judgment but also, albeit maybe briefly, to a statement filed by him in these proceedings. Taking grounds 1 and 4 of challenge together, the main issue raised by those grounds is that the district judge misdirected himself in considering that the function of the authority and his function as the appellate body was not punitive but in effect was remedial. It is submitted that the approach of the district judge was to confine his consideration to remedy of the cause of the breach of the licence provisions and of the law.

[29] At paras 4 and 5 of the judgment in the section headed, ‘Discussions’, at 10 the district judge said that:

‘The function of the local authority, and now this court, must be first to establish why the four sales of the alcohol to girls A and B occurred on 10 March 2007. Secondly, to take such steps, if any, under section 52 of the Act as are necessary to ensure that no further sales occur thereby promoting the two licensing objectives principally engaged by this case: namely, the prevention of crime and disorder, and the protection of children from harm. The step or steps taken must be the minimum intervention necessary to achieve those aims. What is necessary is a question of value and judgment which will involve the local authority or the court taking account of all the circumstances of the case.’

[30] In my judgment, the language of para 5 indicates clearly that the district judge was considering solely the provisions of the Guidance which were not specific to reviews arising in connection with crime. In my judgment, a proper reading and application of the guidance which governs the approach that a licensing authority must take in discharging its duties requires, where the circumstances render it applicable, the consideration of the paragraphs relating to reviews in connection with crime. While it may be said that in reviews which do not engage a requirement to consider the paragraphs giving guidance on the approach where there is activity in connection with crime related to licensed premises, the general provisions which apply to all reviews may result in the approach outlined in para 5 being the appropriate one to follow. Indeed, para 5.110, which applies generally to the exercise by a licensing authority of its powers on review, does state a requirement, so far as possible, on the authority to establish the cause or causes of the concerns and that remedial action taken should be directed generally to these causes and should always be no more than a necessary and proportionate response. That observation, in my judgment, is directed to the overall approach to the exercise by the licensing authority of its powers on a review. When considering reviews arising in connection with crime, decisions of the licensing authority would have to be reasonable in all the circumstances and that would necessarily engage a requirement to consider necessity and proportionality.

[31] However, in my judgment the district judge failed to have regard to the requirement on a licensing authority conducting a review on the grounds that the premises had been used for criminal purposes to take steps with view to the promotion of licensing objectives in the interests of the wider community. That is a requirement set out in para 5.113. For reasons given earlier, and in particular by reason of the fact that para 5.115 clearly specifies criminal activity which may arise in connection with the use of the licensed premises for the purchase and consumption of alcohol by minors, that provision is engaged in this case.

[32] Accordingly, in my judgment, the district judge misdirected himself by confining his consideration of the case to the test which would be appropriate where no criminal activity was concerned. Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State.

[33] The district judge held that the provisions are not to be used and cannot be used for punishment. That may strictly speaking be correct. However, in my judgment deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable. Therefore, when the district judge confined himself, as in my judgment he did, to the considerations of remedying, and adopted only the language of para 5.110 in his considerations, he erred in law. In my judgment, that error is sufficient to undermine the basis of his decision. On those two grounds alone, grounds 1 and 4 as I have outlined, I allow this application for judicial review.



[34] However, I continue to consider under the various headings the other grounds raised. The orders made by the district judge are challenged. He added to the existing conditions of the licence six matters as to which I am told that five were already present but not properly implemented. The sixth new provision was acceptable identification to establish the age of a purchaser shall be a driving licence with photographs, passport or proof of age scheme card recognised by or acceptable by the licensing authority. I am told these provisions were already in place, but not properly implemented. No doubt those are perfectly sensible and appropriate provisions to be included on a licence. However it is said that the action taken on appeal being confined in effect to reiterating existing practice with a minimal addition was entirely inappropriate to meet the situation where there have been sales of alcohol to 14-year-old girls. In effect this is a perversity challenge to the decision of the district judge. Even if the approach of the district judge had been correct, which in my judgment it was not, it may well be that the order he made was perversely minimal to meet the circumstances and gravity of the case.

[35] Under the third general head of challenge, it is said that the district judge failed to pay proper regard to the decision of the licensing authority. Whereas he directed himself in accordance with the dictum of Lord Goddard in *Joffe* which he set out at 2, para 5 of his judgment, nonetheless, it is said that he failed to pay regard to the initial decision of the licensing authority when coming to his decision. Since in my judgment the district judge erred in other respects I determine this judicial review challenge on other grounds.

[36] It is finally said that the district judge erred in that he departed from the Guidance issued under s 182 of the Licensing Act 2003 but failed, as he was obliged to do, to state that he was so departing and failed to give reasons for so departing. The departure, it is said, is constituted by the failure to give recognition and carry into effect the provisions of paras 5.113, 5.115 and 5.116.

[37] Earlier in this judgment I set out the basis upon which licensing authorities must pay regard and be governed by guidance issued. Plainly an appellate body must operate similar principles to those applicable to the licensing authority. The guidance contains specific provisions as to the approach to be adopted where criminal activity connected with licensed premises is concerned. He failed to give reasons for a departure from applicable guidance. The district judge in reaching his decision simply referred to the circumstances of the case and the fact that what is necessary is a question of the valuation and judgment which will involve the local authority or the court taking into account all the circumstances of the case, that is at 10 of his judgment, para 5. The district judge in my judgment failed to identify why and in what respects he was departing from the guidance. I find that the district judge erred in failing to give reasons for departing from the applicable guidance.

[38] Accordingly, for the reasons set out in this judgment I allow this application for judicial review and find that the district judge erred in law in his approach to determining the appeal of the licensees in this case.

374 Slade J R (Bassetlaw DC) v Worksop Mag Ct (QBD) [2010] LLR

*No need for a declaration that the district judge erred in law in his approach to the appeal. No order for costs.*

Solicitors: *Local authority solicitor*

KERRY BARKER  
*Barrister*