

**STATEMENT OF WITNESS**

*(Criminal Procedure Rules 2020, Rule 16.2,  
Criminal Justice Act 1967, s. 9)*

STATEMENT OF: Elaine Sarah Lucas

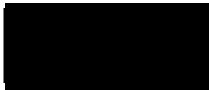
Age of witness (if over 18, enter "over 18"): OVER 18

Occupation of Witness: SENIOR TRADING STANDARDS OFFICER

This statement (consisting of 2 page(s) 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 day 17th of April 2023

Signed



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I am the above named person and I am employed as a Senior Trading Standards Officer within West Sussex County Council Trading Standards Service. I have held this post since 20<sup>th</sup> February 2023 and previously worked within Hampshire and Southampton Trading Standards since 2008.

On 22<sup>nd</sup> February 2023 I was tasked to investigate the sale of alcohol to a child on 8<sup>th</sup> February 2023 at Chaudhari Wines Ltd trading as Arya Food and Wine, 12 Station Road, Burgess Hill, West Sussex, RH15 9DQ by Mehulkumar Jesangbhai CHAUDHARY (dob 21/07/1995), an employee of Chaudhari Wines Ltd. This sale is alleged to be an offence under the Licensing Act 2003.

On 14<sup>th</sup> March 2023 I emailed a letter to the director Mr M S Chaudhari, Chaudhari Wine Ltd 12 Station Road Burgess Hill Rh15 9DQ with a formal written interview under The Police and Criminal Evidence Act 1984 (PACE). I produce a copy of this letter as **EL/1**.

On 22<sup>nd</sup> March 2023 I received an email response from Mahesh Chaudhari, email address [REDACTED] Attached to this email were the following documents:

- Premises Age Verification Policy, I produce this document as **MC/EL/1.**
- Written Authorisation for the Sale of Alcohol, I produce this document as **MC/EL/2.**
- Staff Training Record for Mehul Chaudhari, I produce this document as **MC/EL/3.**
- Scanned Documents, showing a refusals log for 27/9/22 to 15/03/23, I produce this document as **MC/EL/4.**
- A document saved as County, which is a scanned copy of EL/1 with responses to the PACE interview questions, I produce this document as **MC/EL/5.**

I compiled the above evidence into a report that I sent to my manager, Peter Aston, for him to decide how to proceed in dealing with the alleged offence under the Licensing Act 2003.

[REDACTED]

## STATEMENT OF WITNESS

*(Criminal Procedure Rules 2020, Rule 16.2,  
Criminal Justice Act 1967, s. 9)*

STATEMENT OF: Elaine Sarah Lucas

Age of witness (if over 18, enter "over 18"): OVER 18

Occupation of Witness: SENIOR TRADING STANDARDS OFFICER

This statement (consisting of 2 page(s) 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 21<sup>st</sup> April 2023

Signed



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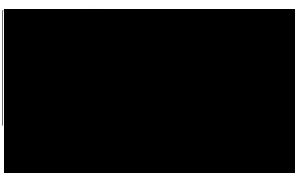
I am the above named person and I am employed as a Senior Trading Standards Officer within West Sussex County Council Trading Standards Service. I have held this post since 20<sup>th</sup> February 2023 and previously worked within Hampshire and Southampton Trading Standards since 2008.

This statement is in addition to my statement dated 17<sup>th</sup> April 2023, in relation to the investigation into the sale of alcohol to a child on 8<sup>th</sup> February 2023 at Chaudhari Wines Ltd.

On 21<sup>st</sup> April 2023, at the evidence store in Horsham, I took two photographs of exhibit LD/12SR/1 using my work A04s Samsung mobile phone. I produce the photos as:

LD/12SR/1/EL/Photo1 – A photograph of the front of a WKD Blue 700ml bottle

LD/12SR/1/EL/Photo2 – A photograph of the back of a WKD Blue 700ml bottle.



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## Premises Age Verification Policy

This policy applies in relation to the sale or supply of alcohol on the following Premises:

Name and address of premises

ARYA FOOD & WINE  
12, Station Road  
Burgess Hill, RH15 9DP

Name of premises licence holder

Maheshkumar Chaudhari

Name of designated premises supervisor

Maheshkumar Chaudhari

1. This policy applies in relation to the sale or supply of alcohol on these premises.

2. For this policy the responsible person is one of the following:

- the holder of the premises licence;
- the designated premises supervisor;
- a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18

3. Staff serving alcohol on the premises must require any individuals who appear to the responsible person to be under the age of

to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature

4. Examples of appropriate identification include:

- A passport
- A photo card driving licence
- A proof of age card bearing the PASS hologram

4. The designated premises supervisor will ensure that the supply of alcohol at the premises is carried on in accordance with this policy.

Signed: [Redacted] Date 27/01/2023  
DESIGNATED PREMISES SUPERVISOR

5. The premises licence holder will ensure that staff are made aware of the existence and content of this policy.

Signed: [Redacted]  
PREMISES LICENCE HOLDER





# STAFF TRAINING RECORD

(continued)

Name: *Mehul Chandhatri*  
 Telephone no:  
 Email address:

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? Factsheet	23/10/21	
Opening and closing checks		
Cross-contamination		
Separation food	24/10/21	MC
Physical & chemical Contamination	23/10/21	MC
Pest Control	21/10/21	MC
Cleaning		
Chilling		
Chilling food storage	24/10/21	MC
Defrosting frozen	23/10/21	MC
Expiry checks	23/10/21	MC
Cooking		
Management		
Other training or retraining		

Name: *Mehul Chandhatri*  
 Telephone no:  
 Email address:

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? Factsheet	15/10/23	ME
Opening and closing checks		
Cross-contamination		
Fire Risk Assessment	15/10/23	ME
Sell of Alcohol	15/10/23	ME
Food & Hygiene	15/10/23	ME
Fire Evacuation	15/10/23	ME
Sell of Age Restricted products	15/10/23	ME
National Lottery	15/10/23	ME
Cleaning		
<u>Retraining</u>		
Chilling		
Fire Risk Assessment	27/2/23	ME
Sell of Alcohol	27/2/23	ME
Sell of Age Restricted products	27/2/23	ME
Cooking		
Food & Hygiene	27/2/23	ME
Management		
Other training or retraining		



Date	Time	Item Asked For	Description of person	Action Taken
27/9/22	12:40	E17 Bar	boy	Refused
29/9/22	17:05	E18 Bar	boy	Refused
01/10/22	11:24	E17 Bar	Girl	Refused
01/10/22	11:26	E18 Bar	boy	Refused
16/10/22	13:15	Cigarettes	boy	Refused
21/10/22	10:25	Lighter, Sterling Duff	2 black girls School Uni	Refused
11/11/22	09:15 pm	E17 Bars	Boy	Refused
15/11/22	11:30 am	Ambats Licat 30g	girl	Refused
07/12/22	16:59 pm	E17 Bar	Boy	Refused
28/12/22	18:55 pm	E18 Bar	Girl	Refused
09/01/23	13:42 pm	E17 Bar	Two Girls	Refused
19/01/23	21:03 pm	Vodka	white boys	Refused
8/2/23	11:45 am	LANDA DEBY TRADING STANDARDS	[REDACTED]	[REDACTED]
10/2/23	18:16 pm	E17 Bar	Girl	[REDACTED]
13/02/2023	14:15	SUSSEX POLICE LOG	[REDACTED]	[REDACTED]
14/02/23	15:28 pm	E17 boy	Girls duplicate ID	[REDACTED]
15/02/23	17:49 pm	E17 boy	boy	[REDACTED]
16/02/23	10:30 AM	E17 boy	boy	[REDACTED]
16/02/23	17:58 pm	pineapple last man	white girl	[REDACTED]
19/02/2023	16:21	Swimwear 35d	Black Girl School Uni	[REDACTED]
21/2/23	14:00	SUSSEX POLICE LOG	[REDACTED]	[REDACTED]
23/2/23	20:46	Vodka, crystal Bar lemon x 3 time	Three Girl 4 notes age	Refused
24/2/23	20:32	watermelon last man	with Alcohol	[REDACTED]
27/02/2023	18:08	Lighter Clipper	School Boys-2	[REDACTED]
01/03/2023	15:25	Magnum Tonic Wine	17-years old-boys Black white	[REDACTED]
02/03/2023	11:05	Licensing officer MSJC	for Bryant Court	[REDACTED]
04/03/2023	16:38	strawberry kiwi last man	3-boys with pass	[REDACTED]
09/03/23	21:36	cool vodka sheets	girl with pass	[REDACTED]
15/03/23	12:17	2 last man	boys without ID	[REDACTED]



**Elaine Lucas**  
Senior Trading Standards Officer  
Trading Standards Service  
0330 222 7655 (Direct)  
01403 249 987 (Fax)  
[REDACTED]  
www.westsussex.gov.uk

4<sup>th</sup> Floor Parkside  
Chart Way  
Horsham  
West Sussex  
RH12 1XH  
01243 642124



Mr M S Chaudhari  
Chaudhari Wine Ltd  
Trading as Arya Food & Wine  
12 Station Road  
Burgess Hill  
RH15 9DQ

14<sup>th</sup> March 2023

Dear Mr Chaudhari,

**The Police and Criminal Evidence Act 1984**

The Licensing Act 2003

West Sussex County Council's Trading Standards Service (WSCCTS) are investigating offences alleged to have taken place at Arya Food and Wine 12 Station Road, Burgess Hill, West Sussex, RH15 9DQ.

On 8<sup>th</sup> February 2023 at approximately 11:17 Officers from WSCCTS visited Arya Food and Wine as part of a controlled test purchasing operation. Officers witnessed a male employee, who gave his name as Mehulkumar Jesangbhai CHAUDHARY, sell a bottle of WKD Blue alcoholic drink to a child under the age of 18. This sale is contrary to Section 146 of the Licensing Act 2003. It was witnessed that the male, Mr Chaudhary did not ask the volunteer for their age or ask them for any identification.

Under section 146 of the Licensing Act 2003 it is a criminal offence to sell alcohol to a person who is under the age of 18 years old. It is therefore alleged that offences have been committed under Section 146 of the Licensing Act 2003 by both the company, Chaudhari Wine Ltd, and the seller Mr Chaudhary.

Due to the potential contraventions of the above legislation, I now request a formal interview with you, as director of Chaudhari Wine Ltd, in accordance with the **Police and Criminal Evidence Act 1984**. I need to formally put some questions to a representative of the company



about the alleged offences. For convenience, I propose that this interview takes place in writing and enclose questions below. If, however you would prefer for the interview to take place face to face then please let me know.

Please note West Sussex Trading Standards has a zero tolerance to the sale of alcohol to children. Unless there are exceptional circumstances, where there is sufficient evidence to show an underage sale of alcohol has taken place, we will seek a review of the premises alcohol licence with the aim of having the licence suspended or revoked. The seller and business will also be subject to enforcement action in line with our published enforcement policy. [www.westsussex.gov.uk/business-and-consumers/trading-standards-advice-for-businesses/](http://www.westsussex.gov.uk/business-and-consumers/trading-standards-advice-for-businesses/)

Please return your responses to these questions to me, together with any documentation that you wish to rely on, by the **24<sup>th</sup> March 2023**. Your responses can be emailed to me at [REDACTED], or sent by post to the address at the top of this letter.

Please note that dependant on your answers I may need to ask supplementary questions. Please feel free to seek appropriate legal advice or representation in connection with this matter as you see fit.

If you or your legal representative wish to discuss this matter further, please do not hesitate to contact me. Please remember that you are under caution and that:

*You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.*

Yours sincerely,

[REDACTED]  
Elaine Lucas

Senior Trading Standards Officer

**Enc.**

1. Notice to Persons attending voluntary interviews
2. PACE Questions
3. NA/1 – Licensing Act 2003 advice letter from Natasha Ali 14/09/2023



**Police and Criminal Evidence Act 1984 – voluntary interview under caution**

Below are the questions that are to be answered and returned by email to

or posted to:

Elaine Lucas  
Senior Trading Standards Officer  
Trading Standards  
4<sup>th</sup> Floor Parkside  
Chart Way  
Horsham  
West Sussex  
RH12 1XH

**by 24<sup>th</sup> March 2023**

**CAUTION:**

"You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence."

Do you understand the caution?

Please Sign below to confirm understanding of the caution

Sign.....

1. Please state the company name, company address and confirm if you are a sole trader, a partnership or a limited company? **CHAUDHARI WINE LIMITED.**

2. If the business is a partnership, please provide names and addresses of the other partners. If the business is a limited company please provide the Registered company address and registered company number. **08996581**

3. Please state your full name and date of birth. **12, Station Road, Burgess Hill, RH15 9DQ.**

4. Please state your position within the company and briefly explain what your role entails. **Maheshkumar Chaudhari, 18/08/1982**

**DIRECTOR**



5. If the business is a company, please confirm that you are authorised to answer these questions on behalf of the company. (Please can you provide written confirmation from the Company?) **YES. I am confirming here.**

6. How many premises do you/the company have? (Please provide name and addresses.)

**1 (this one only).**

7. What is the annual turnover of Arya Food and Wine?

**Around £320,000/- per year**

8. What is the annual turnover of Arya Food and Wine in relation to the sale of alcohol?

**Around £80,000/-**

9. Please confirm the name of the personal licence holder?

**Maheshkumar Chaudhari**

10. Please confirm the name of the designated premises supervisor?

**Maheshkumar Chaudhari**

11. On the 8<sup>th</sup> February 2023, West Sussex County Council Trading Standards carried out a test purchase of alcohol by a person under the age of 18 years old. The volunteer under our direction purchased a bottle of WKD Blue alcoholic drink from Arya Food and Wine 12 Station Road Burgess Hill, West Sussex, RH15 9DQ. Can you explain how a minor was able to purchase alcohol from your business?

**- Usually we check IDs but my colleague has misunderstood his age and he thought he might be 16. and he sold it.**

12. What procedures do you have in place to prevent selling age restricted products to children? (Please provide copies of any written procedures.)

**- ASK for ID, NO ID NO SELL.**

13. Who was responsible for drawing up these procedures? (Please state their role within the company.)

**Mahesh Chaudhari  
(Director)**

14. What training was provided to the seller, Mr Mehulkumar Jesangbhai CHAUDHARY?

**Full training of Age identification of age restricted products and what ID's need to be checked.**

15. On 12<sup>th</sup> September 2022 my colleague, Natasha Ali, visited Arya Food and Wine and provided advice in relation to selling age restricted products. Miss Ali followed up the visit by sending an advice letter to yourself. (see NA/2) Can you confirm that you did receive this letter?

**YES.**

16. Did you take any actions or make any changes after having this advice visit or receiving this letter?

**I have retrained the staff maintaining & checking all records more regularly.**

17. Who is the Designated Premises Supervisor?

**Mahesh Chaudhari**

18. Were you present at Arya Food and Wine 12 Station Road Burgess Hill, West Sussex, RH15 9DQ at approximately 11.17am when the sale of alcohol to the minor took place on the 8<sup>th</sup> February 2023?

**No.**

19. The alcohol was sold to the minor by Mehulkumar Jesangbhai CHAUDHARY, does Mehulkumar Jesangbhai CHAUDHARY hold a Personal Licence?

**NO.**



20. How long has Mehulkumar Jesangbhai CHAUDHARY worked for you at the store?

2.5 Months.

21. What is Mehulkumar Jesangbhai CHAUDHARY's role at the store?

Store Manager

22. What training have you provided to Mehulkumar Jesangbhai CHAUDHARY relating to the prevention of Underage Sales? Please provide copies of any training records.

- Age Restriction Policy, Age limit to sell related

23. Do you use a refusals register or log to keep a record of attempted underage sales at your shop? If so, please provide a copy of pages covering January and February 2023.

YES.

24. Is the refusals register / log used by all staff?

YES

25. Do you monitor the refusals register /log to ensure that all staff are updating it? How often? Is this documented anywhere? Please provide evidence.

YES, every week,

26. When was Mehulkumar Jesangbhai CHAUDHARY trained in the use of the refusals register / log?

15/01/2023

27. Do you have a written record of the training provided to Mehulkumar Jesangbhai CHAUDHARY? If so please provide this.

YES.

28. Do you have a Challenge 25 policy in place at the store?

YES

29. If so, please explain your understanding of this policy?

It anyone looks under 25, we must ask for ID before selling any age restricted products.

30. Are staff trained in the Challenge 25 policy? Please provide evidence.

YES.

31. Since the visit on 8<sup>th</sup> February 2023, when the sale of alcohol to an underage volunteer took place, what actions or changes have you made to your business to prevent the sale of age restricted products to minors?

Retrained the staff.

32. Who instigated these changes?

Mahesh Chaudhari

33. Are these actions or changes documented? If so, please provide me with a copy.

YES.

34. Does the store have CCTV, and if so do you review the CCTV to ensure that alcohol is not being sold to minors? If so how often is it monitored?

YES, every 2 weeks.

35. Do you use till prompts to remind staff to ask for ID when selling an age restricted product?

YES

36. What, if anything, do you feel Chaudhari Wine Ltd trading as Arya Food and Wine could have done to prevent the sale of alcohol to the underage volunteer on 8<sup>th</sup> February 2023?

- Retrained the staff and keep checking refusal book record and till record & CCTV. to make sure every staff is checking ID's without fail.



37. Do you accept that Chaudhari Wine Ltd trading as Arya Food and Wine sold alcohol to an individual under the age of 18, contrary to the Licensing Act 2003?

Yes, my staff has done that mistake, I accept.

38. Do you wish to add or make any further other comments?

- It never happened in last 9 years and I would

Please ensure that you answer all the questions or indicate no comment. make sure it would never happen again.

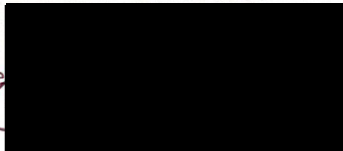
Please sign and return your responses to me, along with any supporting documents.

Name: Mahesh Chaudhari

--- sorry.

Position: Director

Signature



Date:

22/03/2023

## STATEMENT OF WITNESS

*(Criminal Procedure Rules 2015, Rule 16.2,  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF: Laura Rachel Derby

Age of Witness: Over 18

Occupation of Witness: Senior Trading Standards Officer

This statement (consisting of 3 page(s) 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: 27<sup>th</sup> February 2023

Signed



---

I am a Senior Trading Standards Officer employed by West Sussex County Council.

On 8<sup>th</sup> February 2023, I participated in an underage sales operation accompanied by my two colleagues Natasha Ali (Trainee Trading Standards Officer) and Christina Cairns (Trainee Trading Standards Officer). A 17-year-old (17 years, 2 months and 23 days old) female volunteer was also working under the instruction and supervision of Trading Standards. The purpose of the operation was to ensure West Sussex businesses were compliant in that they were not selling age restricted products to children under the age of 18.

The volunteer was assigned the unique code 'NZA1' to protect her identity.

At approximately 1117 hours, as part of the operation, I entered Arya Food and Wine, 12 Station Road, Burgess Hill, West Sussex, RH15 9DQ accompanied by Christina Cairns. We browsed around the shop acting as normal customers would until a few moments later, when the volunteer entered the shop. At this point, I positioned myself behind the volunteer in the queue. The shop was quiet at the time. I witnessed the volunteer put a bottle of WKD Blue alcoholic drink onto the till counter and I heard the male working behind the counter ask the volunteer for £3.39. I saw

the volunteer hand the male a £5 note and receive some change from him and then I witnessed her exit the shop with the bottle of WKD. Christina Cairns and I then purchased our products and exited the shop. During the transaction, the male didn't ask the volunteer for an age identification or even ask her how old she was. Christina Cairns and I returned to the support vehicle and I sealed the alcoholic drink in an evidence bag and completed the information on the evidence bag and gave it the following reference which I now produce as exhibit:

**LD/12SR/1** – 1 x WKD Blue – 700ml – seal no. LC00030906

At approximately 1128 hours, Christina Cairns and I returned to Arya Food and Wine, 12 Station Road, Burgess Hill, West Sussex, RH15 9DQ and I introduced us both to the male working behind the till counter and explained the reason for the visit. I advised the male that I had just witnessed him sell alcohol to a 17 year old and advised him that I would need to ask him some questions in relation to the incident. I asked the male for his name and date of birth and he advised me that his name was Mr Mehulkumar Jesangbhai CHAUDHARY (dob 21/07/1995). I cautioned him and explained the caution to him which he advised that he understood. I asked Mr Mehulkumar Jesangbhai CHAUDHARY a series of questions in relation to the sale and the answers were recorded in my pocket notebook. Mr Mehulkumar Jesangbhai CHAUDHARY advised me that he lived in Crawley and I recorded the exact address in my pocket notebook.

Mr Mehulkumar Jesangbhai CHAUDHARY advised me that he had worked at Arya Food and Wine for just under a year and he worked 40 hours per week. When asked who the owner of the business was, he initially told me that he didn't know and then advised me that it was a Mr Mahes CHAUDHARI. He gave me Mr Mahes CHAUDHARI's phone number which I recorded in my pocket notebook. Mr Mehulkumar Jesangbhai CHAUDHARY informed me that he had started work at 10am that day. When I asked Mr Mehulkumar Jesangbhai CHAUDHARY about the sale of alcohol to a minor, he said that he couldn't remember the sale. I suggested that he went back on the till to look at the last transactions but he said only the manager was able to access past transactions. I asked him what training he had

received, and he advised me that he had been instructed to only sell age restricted products to over 18s and to check age identification such as driving licence, passport and cards with the pass hologram. He advised that his training took place every two months and he signed paperwork to confirm that he had been trained but said that he believed the training paperwork was kept off site. I looked at the refusals log and saw that the last entry that had been made was on 19<sup>th</sup> January 2023. There was no column on the refusals log to show which staff member had challenged and refused the sale but Mr Mehulkumar Jesangbhai CHAUDHARY told me that all the refusals had been by him.

Before leaving the premises, I checked the till prompts which were in fully working order and saw that there was CCTV present. Mr Mehulkumar Jesangbhai CHAUDHARY advised me that only his manager could access the CCTV though. I saw that there were Challenge 25 posters present and noted this in my pocket notebook.

Christina Cairns and I left the premises together.

Address: WSCC, Parkside, Chart Way, Horsham, RH12 1XH

Email address: [REDACTED]

Mobile number: [REDACTED]

Other number(s): 03302 227654

Date and place of birth: REDACTED

Married name: REDACTED

Female

Dates to be avoided. Delete dates of non-availability of witness:

Month of : February							Month of : March							Month of : April						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				
Month of : May							Month of : June							Month of : July						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

Contact details if different from above

Address:

Email address:

Mobile number:

Other number(s):

**CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

Record below anything that may affect the credibility of the person making this statement, e.g.; previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated: 27<sup>th</sup> February 2023

Signed

[REDACTED]



**Exhibit reference: LD/12SR/1/EL/PHOTO 1**

**Description: Photograph of the front of the WKD Blue 700ml bottle test purchased by a child volunteer on 08/02/2023 at Arya Food & Wine Arya Food & Wine.**

**Produced by: Elaine Lucas**

**Date: 21/04/2023**

**Signed:** 







## STATEMENT OF WITNESS

*(Criminal Procedure Rules 2020, Rule 16.2,  
Criminal Justice Act 1967, s. 9)*

STATEMENT OF: MISS NATASHA ZARA ALI

Age of witness (if over 18, enter "over 18"): OVER 18

Occupation of Witness: TRAINEE TRADING STANDARDS OFFICER

This statement (consisting of 3 page(s) 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 10<sup>th</sup> day of March 2023

Signed



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I am currently employed as a Trainee Trading Standards Officer within West Sussex County Council Trading Standards Service.

On the 9<sup>th</sup> of September 2022, I called Chaudhari Wine Ltd T/A Arya Food & Wine, 12 Station Road, Burgess Hill, West Sussex, RH15 9DQ to arrange an underage sales advice visit. I spoke to Mr CHAUDHARI who is the owner on the phone and explained that there has been an allegation against Arya Food & Wine, which is selling age restricted products to young children. I arranged to visit Arya Food & Wine on the 12<sup>th</sup> of September 2022 at approximately between 1000 and 1100 hours with Mr CHAUDHARI.

On the 12<sup>th</sup> of September 2022, I visited Chaudhari Wine Ltd T/A Arya Food & Wine, 12 Station Road, Burgess Hill, West Sussex, RH15 9DQ. I spoke to Mr CHAUDHARI who is the owner of Arya Food & Wine and explained about the allegation against the business. I begin to fill in the visit report (reference 4652).

Mr CHAUDHARI explained that there are two employees who work in the shop. Arya Food & Wine have been trading for 9 years. Key points that I discussed and checked

with Mr CHAUDHARI is Arya Food and Wine's refusal log. The last entry on the refusal log was 09/09/2022 for an Elf bar. There was a statutory tobacco sign located on the gantry in the shop. I located an Under 25 poster in the premise. I spoke about CCTV, Mr CHAUDHARI explained that it is present, and it covers the inside of the shop. I advised that the CCTV should cover the front of the shop to avoid proxy sales.

I asked to see any staff training logs, Mr CHAUDHARI explained that he has a log at home. I gave two Business Companion handouts to Mr CHAUDHARI which are for Alcohol, Tobacco and Nicotine Inhaling products and explained to read these handouts every couple of months to refresh staff training and make a log of this. The last check I made was regarding till prompts, till prompts were present.

I explained to Mr CHAUDHARI that WSCC Trading Standards will be doing a future test purchase with a volunteer and if Arya Food & Wine fails our test purchase it could result in alcohol revocation. Mr CHAUDHARI signed the visit report at the end, and a copy was given to him.

Approximately at 1050 hours I exit Arya Food & Wine.

I sent follow up advice letter via email on the 14<sup>th</sup> of September 2022 to Mr CHAUDHARI'S email address which reiterated what was discussed on the advice visit.

I am producing the following paperwork:

**NA/AFW/UAS/TP/1**- Follow up advice letter via email

**NA/AFW/UAS/TP/2**- Visit report (reference 4652)

On the 8<sup>th</sup> of February 2023, I participated in an Underage sales test purchase day, with two colleagues, Laura DERBY (Senior Trading Standards Officer) and Christina CAIRNS (Trainee Trading Standards Officer). A volunteer who is 17 years old participated in the Underage sales test purchase day, under the instruction and

supervision of WSCC Trading Standards. The purpose of this operation is to make sure that that West Sussex businesses are compliant with the procedures set out for age restricted products to children under the age of 18.

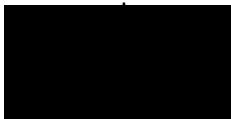
Prior to visiting the businesses, we collected the volunteer, where we briefed them and took photographs of their appearance that day. The volunteer is assigned a unique code "NZA1" to protect her identity.

At approximately 1117 hours I witnessed Mrs DERBY and Ms CAIRNS enter Chaudhari Wine Ltd T/A Arya Food & Wine, 12 Station Road, Burgess Hill, West Sussex, RH15 9DQ. I waited further down from the business premise. Shortly after, I saw the volunteer enter Arya Food & Wine. After a few minutes, I witnessed the volunteer exit Arya Food & Wine with a bottle of WKD. The volunteer gives me the bottle of WKD and we go back to the operation car. I saw Mrs DERBY and Ms CAIRNS follow behind. When we get to the operation car, I put the WKD bottle in an evidence bag and it is sealed off and Mrs DEBRY put hers reference on the bag.

At approximately at 11:30 hours, Mrs DERBY and Ms CAIRNS go back to Arya Food & Wine to interview the seller.

At the end of operation. We returned to our offices in Horsham, where we placed the evidence from Underage sales test purchase day in the evidence room.

I now produce as evidence a photocopy of my pocket notebook at the time of the incident as **NA/AFW/UAS/TP/3**



\_\_\_\_\_



**Trading Standards Service**  
 Parkside  
 Chart Way  
 Horsham  
 RH12 1XH  
 Tel: (01243) 642124  
 trading.standards@westsussex.gov.uk

Officer's Contact Details:

Tel: 0330 222 2334

Email: [redacted]@westsussex.gov.uk

Proprietor: CHAUDHARI WINELTD  
 Trading Name: ARYA FOOD & WINE  
 Address: 12 Station Road, Burgess Hill  
 Tel: 0144 616 033 Postcode: RH15 9DA

Registered Office: \_\_\_\_\_  
 Mobile: [redacted]  
 Email: [redacted]  
 Website: \_\_\_\_\_  
 Type of Business: Convenience store.

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Animal Health Act 1981                  | <input type="checkbox"/> Health & Safety at Work etc. Act 1974                             | <input type="checkbox"/> The Explosives Regulations 2014   |
| <input checked="" type="checkbox"/> Consumer Protection Act 1987 | <input type="checkbox"/> The Dangerous Substances & Explosive Atmospheres Regulations 2002 | <input type="checkbox"/> The Animal Feed (Hygiene, Sampling etc. & Enforcement) (England) Regulations 2015 |
| <input checked="" type="checkbox"/> Consumer Rights Act 2015     | <input type="checkbox"/> The General Product Safety Regulations 2005                       | <input type="checkbox"/> Other (specify)   |
| <input type="checkbox"/> Trade Marks Act 1994                    | <input type="checkbox"/> The Petroleum (Consolidation) Regulations 2014                    |  |
| <input type="checkbox"/> Weights & Measures Act 1985             | <input type="checkbox"/> The Consumer Protection from Unfair Trading Regulations 2008      |  |

This report covers a summary of the inspection and does not indicate full compliance with any legislation. In case of dispute, contact the Service address above.

**FOOD STANDARDS INSPECTION REPORT**

Food Safety Act 1990 | Food Safety & Hygiene (England) Regulations 2013 | Food Information Regulations 2014

- |                                       |   |   |   |   |
|---------------------------------------|---|---|---|---|
| <input type="checkbox"/> Records      | <input type="checkbox"/> Specifications | <input type="checkbox"/> Production Process | <input type="checkbox"/> Composition, Labelling, Presentation | <input type="checkbox"/> Product Design & Recipe      |
| <input type="checkbox"/> Traceability | <input type="checkbox"/> Stock Rotation | <input type="checkbox"/> Completed Product  | <input type="checkbox"/> Quality / Management Systems         | <input type="checkbox"/> Recall / Relabelling Systems |

**Corrective actions & timescales (legal requirements)**

- Spoke to Mr Chaudhari <sup>owner</sup> about complaint for UAS
- 2 full time employees - owner & manager.
- limited company - 9 years trading.

Failure to comply with legal requirements may constitute an offence and may lead to enforcement action.

**Key points discussed, comments and recommendations**

- refusal log to be viewed. - last entry - 9/9/2022 16:30 / Elf bar. refused.
- checked what LD they check
- statutory tobacco sign located near gantry
- Under 25 ~~stat~~ posters on gantry
- CCTV system inside shop - will be changing in the future, advised about CCTV facing outside for proxy sales
- training logs for staff - not at the shop, at owners house. advised to train every month, and to make sure it is logged. Business companion handout (Alcohol tobacco) given.
- Till prompts checked, comes up - explained about test average in future.

**Actions to be taken by Officer**

Guidance to follow

- explained if business fails test purchase, TS will do a license review

Issued by: NATASHA AIT  
 Signed: [redacted] (Authorised Officer)  
 Date: 12 / 09 / 20 22 Time: 10:50  
 In the event of any dispute or complaint please contact:  
 trading.standards@westsussex.gov.uk or call (01243) 642124

Person seen (print name in capitals): Mahesh Chaudhari  
 Signed: [redacted]  
 Position: Director / owner

14<sup>TH</sup> September 2022

Mr Chaudhari  
Chaudhari Wine Ltd T/A Arya Food & Wine  
12 Station Road  
Burgess Hill  
West Sussex  
RH15 9DQ

Dear Mr Chaudhari,

**Our Ref: A444070**

### **Licensing Act 2003**

I'm writing to you following my visit on the Monday 12<sup>th</sup> September 2022 regarding a complaint that has been received by West Sussex Trading Standards, alleging Chaudhari Wine Ltd T/A Arya Food & Wine, 12 Station Road, Burgess Hill, West Sussex, RH15 9DQ has sold alcohol to a child under the age of 18.

Under Section 146 of the Licensing Act 2003 it is a criminal offence to sell alcohol to a person who is under the age of 18 years old.

As well as prosecution the Act allows for an application to be made to the licensing authority for an alcohol licence to be reviewed if it can be shown age restricted products are being sold to children. Such a review could lead to your licence being suspended or revoked <sup>1</sup>.

You don't necessarily have to sell alcohol to a child to lose your licence, the sale of other age restricted products could also result in prosecution and can also lead to your alcohol licence being suspended or revoked if you or your business sell to an underage person.

In order for you and your staff to be compliant with the law, you should always ask young people to produce proof of their age. For example, a driving licence photocard or passport. If a person cannot prove they are over 18, the sale should be refused.

In addition, there are also a number of best practice checks that you and your staff can implement to help prevent the sale of any age restricted products.

#### 'Challenge 25' system:

If a person attempts to purchase an age restricted product and they appear to be under the age of 25, you should ask them to produce proof of their age. If they're unable to prove their age, a sale should then be refused.

#### Staff training:

You should ensure your staff are fully trained to ensure they're aware which products are age restricted, what the age restriction is, and the action they should take if they believe a person is underage when they attempt to purchase such products.

<sup>1</sup> *West Sussex Trading Standards has a zero tolerance to the sale of alcohol to children. Unless there are exceptional circumstances, where there is sufficient evidence to show an underage sale of alcohol has taken place, we will seek a review of the premises alcohol licence with the aim of having the licence suspended or revoked. The seller and business will also be subject to enforcement action in line with our published enforcement policy.*  
[www.westsussex.gov.uk/business-and-consumers/trading-standards-advice-for-businesses/](http://www.westsussex.gov.uk/business-and-consumers/trading-standards-advice-for-businesses/)

It is important you can prove your staff have understood what is required of them by the law. This can be done by keeping a record of the training and asking members of staff to sign to say that they understand it.

These records should then be checked and signed on a regular basis by the manager or owner of the business.

#### Maintain a refusals log:

All refusals should be recorded (date, time, incident, product and description of the potential buyer). Maintaining a refusals log will help to demonstrate you and your staff actively refuse sales and have an effective system in place. Refusal logs should be checked by the manager or owner to ensure all members of staff are using them.

#### Till prompts:

If your system allows it may be possible to use your till to remind staff of age restrictions via a reminder prompt when the barcode of an age restricted product is scanned.

Alternatively, by way of a staff reminder, stickers could be used to cover certain product barcodes.

#### Signage:

Displaying posters showing age limits for certain products and a statement regarding the refusal of such sales if the person appears to be underage. This may help deter potential purchasers and act as a reminder to staff.

#### CCTV:

A CCTV system may help act as a deterrent and reduce underage sales. It will also help you to monitor 'blind spots' within your store if it's not possible to change the layout or relocate age restricted products behind, or closer to, the counter.

Please note the above advice is best practice and is not a legal requirement. However, the legislation states if you are charged with an offence of selling an age restricted product to a person under the age of 18, it is a defence if you're able to prove you took all reasonable steps to determine the purchaser's age and that you reasonably believed that the purchaser was not under the age of 18.

Therefore, by carrying out the above best practice checks, it will help show you and your staff are able to satisfy this legal defence and it will help reduce the sale of age restricted products to persons under the age of 18.

Further advice and guidance on age restricted products can be found on the Business Companion website: [www.businesscompanion.info/](http://www.businesscompanion.info/)

If you have any queries or require further information, please don't hesitate to contact me.

Kind regards



Natasha Ali  
Trainee Trading Standards Officer

**Elaine Lucas**  
Senior Trading Standards Officer  
Trading Standards Service  
0330 222 7655 (Direct)  
01403 249 987 (Fax)  
[REDACTED]  
www.westsussex.gov.uk

4<sup>th</sup> Floor Parkside  
Chart Way  
Horsham  
West Sussex  
RH12 1XH  
01243 642124



Mr M S Chaudhari  
Chaudhari Wine Ltd  
Trading as Arya Food & Wine  
12 Station Road  
Burgess Hill  
RH15 9DQ

14<sup>th</sup> March 2023

Dear Mr Chaudhari,

### **The Police and Criminal Evidence Act 1984**

#### The Licensing Act 2003

West Sussex County Council's Trading Standards Service (WSCCTS) are investigating offences alleged to have taken place at Arya Food and Wine 12 Station Road, Burgess Hill, West Sussex, RH15 9DQ.

On 8<sup>th</sup> February 2023 at approximately 11:17 Officers from WSCCTS visited Arya Food and Wine as part of a controlled test purchasing operation. Officers witnessed a male employee, who gave his name as Mehulkumar Jesangbhai CHAUDHARY, sell a bottle of WKD Blue alcoholic drink to a child under the age of 18. This sale is contrary to Section 146 of the Licensing Act 2003. It was witnessed that the male, Mr Chaudhary did not ask the volunteer for their age or ask them for any identification.

Under section 146 of the Licensing Act 2003 it is a criminal offence to sell alcohol to a person who is under the age of 18 years old. It is therefore alleged that offences have been committed under Section 146 of the Licensing Act 2003 by both the company, Chaudhari Wine Ltd, and the seller Mr Chaudhary.

Due to the potential contraventions of the above legislation, I now request a formal interview with you, as director of Chaudhari Wine Ltd, in accordance with the **Police and Criminal Evidence Act 1984**. I need to formally put some questions to a representative of the company



about the alleged offences. For convenience, I propose that this interview takes place in writing and enclose questions below. If, however you would prefer for the interview to take place face to face then please let me know.

Please note West Sussex Trading Standards has a zero tolerance to the sale of alcohol to children. Unless there are exceptional circumstances, where there is sufficient evidence to show an underage sale of alcohol has taken place, we will seek a review of the premises alcohol licence with the aim of having the licence suspended or revoked. The seller and business will also be subject to enforcement action in line with our published enforcement policy. [www.westsussex.gov.uk/business-and-consumers/trading-standards-advice-for-businesses/](http://www.westsussex.gov.uk/business-and-consumers/trading-standards-advice-for-businesses/)

Please return your responses to these questions to me, together with any documentation that you wish to rely on, by the **24<sup>th</sup> March 2023**. Your responses can be emailed to me at [REDACTED], or sent by post to the address at the top of this letter.

Please note that dependant on your answers I may need to ask supplementary questions. Please feel free to seek appropriate legal advice or representation in connection with this matter as you see fit.

If you or your legal representative wish to discuss this matter further, please do not hesitate to contact me. Please remember that you are under caution and that:

*You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.*

Yours sincerely,

[REDACTED]

Elaine Lucas

Senior Trading Standards Officer

**Enc.**

1. Notice to Persons attending voluntary interviews
2. PACE Questions
3. NA/1 – Licensing Act 2003 advice letter from Natasha Ali 14/09/2023

**Police and Criminal Evidence Act 1984 – voluntary interview under caution**

**Below are the questions that are to be answered and returned by email to  
[REDACTED] or posted to:**

Elaine Lucas  
Senior Trading Standards Officer  
Trading Standards  
4<sup>th</sup> Floor Parkside  
Chart Way  
Horsham  
West Sussex  
RH12 1XH

**by 24<sup>th</sup> March 2023**

**CAUTION:**

“You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.”

Do you understand the caution?

Please Sign below to confirm understanding of the caution

Sign.....

1. Please state the company name, company address and confirm if you are a sole trader, a partnership or a limited company?
2. If the business is a partnership, please provide names and addresses of the other partners. If the business is a limited company please provide the Registered company address and registered company number.
3. Please state your full name and date of birth.
4. Please state your position within the company and briefly explain what your role entails.

5. If the business is a company, please confirm that you are authorised to answer these questions on behalf of the company. (Please can you provide written confirmation from the Company?)
6. How many premises do you/the company have? (Please provide name and addresses.)
7. What is the annual turnover of Arya Food and Wine?
8. What is the annual turnover of Arya Food and Wine in relation to the sale of alcohol?
9. Please confirm the name of the personal licence holder?
10. Please confirm the name of the designated premises supervisor?
11. On the 8<sup>th</sup> February 2023, West Sussex County Council Trading Standards carried out a test purchase of alcohol by a person under the age of 18 years old. The volunteer under our direction purchased a bottle of WKD Blue alcoholic drink from Arya Food and Wine 12 Station Road Burgess Hill, West Sussex, RH15 9DQ. Can you explain how a minor was able to purchase alcohol from your business?
12. What procedures do you have in place to prevent selling age restricted products to children? (Please provide copies of any written procedures.)
13. Who was responsible for drawing up these procedures? (Please state their role within the company.)
14. What training was provided to the seller, Mr Mehulkumar Jesangbhai CHAUDHARY?
15. On 12<sup>th</sup> September 2022 my colleague, Natasha Ali, visited Arya Food and Wine and provided advice in relation to selling age restricted products. Miss Ali followed up the visit by sending an advice letter to yourself. (see NA/2) Can you confirm that you did receive this letter?
16. Did you take any actions or make any changes after having this advice visit or receiving this letter?
17. Who is the Designated Premises Supervisor?
18. Were you present at Arya Food and Wine 12 Station Road Burgess Hill, West Sussex, RH15 9DQ at approximately 11.17am when the sale of alcohol to the minor took place on the 8<sup>th</sup> February 2023?
19. The alcohol was sold to the minor by Mehulkumar Jesangbhai CHAUDHARY, does Mehulkumar Jesangbhai CHAUDHARY hold a Personal Licence?

20. How long has Mehulkumar Jesangbhai CHAUDHARY worked for you at the store?
21. What is Mehulkumar Jesangbhai CHAUDHARY's role at the store?
22. What training have you provided to Mehulkumar Jesangbhai CHAUDHARY relating to the prevention of Underage Sales? Please provide copies of any training records.
23. Do you use a refusals register or log to keep a record of attempted underage sales at your shop? If so, please provide a copy of pages covering January and February 2023.
24. Is the refusals register / log used by all staff?
25. Do you monitor the refusals register /log to ensure that all staff are updating it? How often? Is this documented anywhere? Please provide evidence.
26. When was Mehulkumar Jesangbhai CHAUDHARY trained in the use of the refusals register / log?
27. Do you have a written record of the training provided to Mehulkumar Jesangbhai CHAUDHARY? If so please provide this.
28. Do you have a Challenge 25 policy in place at the store?
29. If so, please explain your understanding of this policy?
30. Are staff trained in the Challenge 25 policy? Please provide evidence.
31. Since the visit on 8<sup>th</sup> February 2023, when the sale of alcohol to an underage volunteer took place, what actions or changes have you made to your business to prevent the sale of age restricted products to minors?
32. Who instigated these changes?
33. Are these actions or changes documented? If so, please provide me with a copy.
34. Does the store have CCTV, and if so do you review the CCTV to ensure that alcohol is not being sold to minors? If so how often is it monitored?
35. Do you use till prompts to remind staff to ask for ID when selling an age restricted product?
36. What, if anything, do you feel Chaudhari Wine Ltd trading as Arya Food and Wine could have done to prevent the sale of alcohol to the underage volunteer on 8<sup>th</sup> February 2023?

37. Do you accept that Chaudhari Wine Ltd trading as Arya Food and Wine sold alcohol to an individual under the age of 18, contrary to the Licensing Act 2003?

38. Do you wish to add or make any further other comments?

Please ensure that you answer all the questions or indicate no comment.

Please sign and return your responses to me, along with any supporting documents.

Name: .....

Position: .....

Signature: ..... Date: .....