STATEMENT OF WITNESS

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

STATEMENT OF:

BENJAMIN LETHBRIDGE

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

Occupation of Witness: Principal Trading Standards Officer

This statement (consisting of one 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 29th day of March 2023

Signed .

am a Principal Trading Standards Officer employed by West Sussex County Council Trading Standards Service. On 21st October 2021, I received an email from "Me Kandeepan Kandhasamy", confirming receipt of a written warning letter that had been sent to him from Richard Sargeant (Trading Standards Service Team Manager). Mr Kandhasamy had sent the email confirmation to me from the following email address, @@yahoo.com. A printout of the email confirmation is identified as exhibit BL/1.

Statement obtained by (print name):

Witness details

Address: West Sussex County Council Trading Standards Service, Chart Way,

Horsham, West Sussex, RH12 1XH

Email address:

Mobile number:

Other number(s):

Date and place of birth:

Maiden name:

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

Mon	Month of :				Month of :				Month of :											
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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 the 29th day of March 2023

Signed



Ben Lethbridge

From:

@yahoo.co.uk>

Sent:

21 October 2021 10:33

To:

Ben Lethbridge

Subject:

T164624

Dear Mr Ben Lethbridge

I would like to confirm that, I received the WRITING WARNING letter from Richard Sargeant.

Thank you Kind regards Me Kandeepan Kandhasamy

ITEM No.

EXHIBIT No.

BL/1

REPURT NO.

SIGNATURE:

DATE: 29/03/2023

STATEMENT OF WITNESS

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

STATEMENT OF: CHRISTINA CEREN CAIRNS

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

Occupation of Witness: TRAINEE TRADING STANDARDS OFFICER

This statement (consisting of 3 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 13th day of April 2023

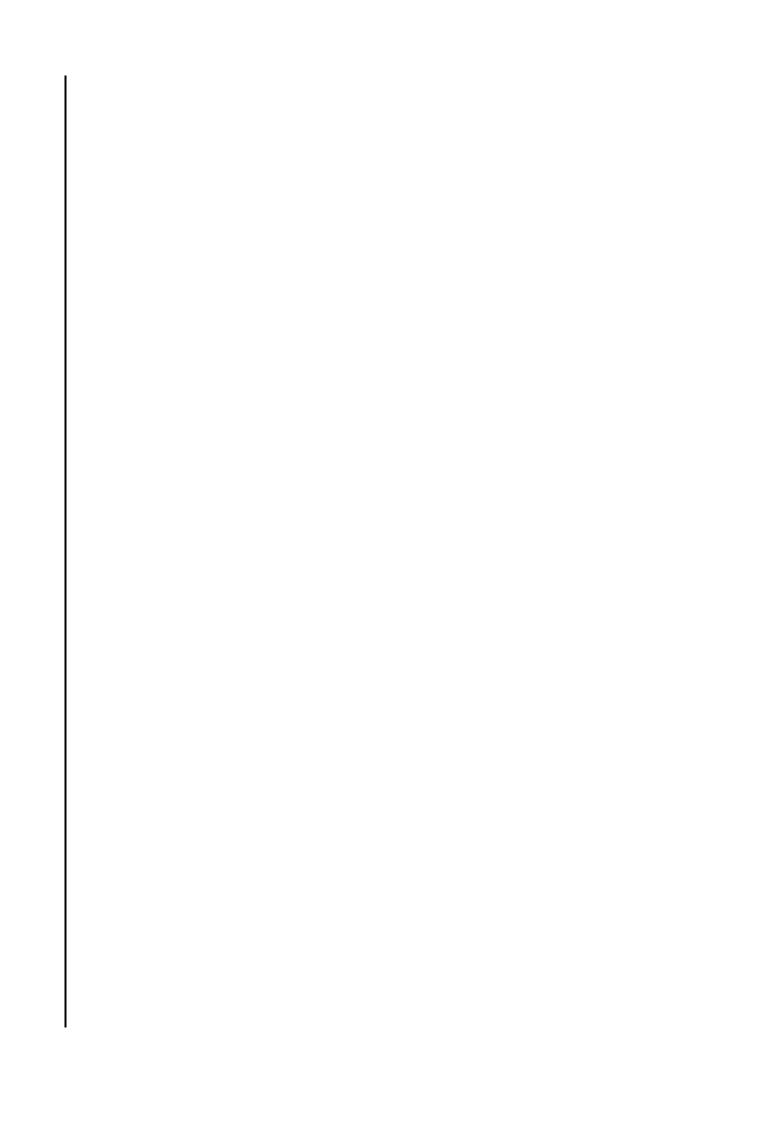
Signed



I am employed by West Sussex County Council Trading Standards Service as a Trainee Trading Standards Officer. On 8th February 2023, I travelled to K&A Enterprise Convenience Store, 118 South Road, Haywards Heath RH16 4LT with Senior Trading Standards Officer Laura DERBY, Trainee Trading Standards Officer Natasha ALI and child volunteer; reference NZA1. The purpose of this operation is to make sure that West Sussex businesses are compliant with the procedures set out for age restricted products to children under the age of 18. I entered the premises at 12:50pm and the child volunteer entered the premises at 12:51pm. I witnessed a male employee, approximately 40 years old, sell a VK Bottle for £2.99 to the child volunteer and the employee did not ask for any identification. The child volunteer exited the premises, and I exited after buying a packet of sweets. I placed the purchased item into an evidence bag and gave the bag the reference CC/118SR/01 and I noted this in my Pocket Note Book. Senior Trading Standards Officer Laura DERBY and I went back to the premises to question the seller. I cautioned the employee and asked a series of questions, and I entered the responses in my Pocket Note Book. The questions asked were as follows: 1. Employee Name: Mr Yokarasa RAMANAN. 2. Address: "Lives upstairs of the shop". 3. Date of Birth: ". 4. Telephone number: " " " " " " " " " " " " 5. How often they work: "Fulltime and weekends". 6. Owners' details/limited company details: "Limited company

– Mr Kandepan KANDASHAMY". 7. Director's telephone number: "——". 8. Do they know what an age restricted product is: "Yes, alcohol and cigarettes". 9. How old did they think the child was: "19 years old". 10. Do they operate challenge 25 policy and why did he make a sale if he thought child was below 25: "It was busy, so I didn't ask and I thought she was over 18". 11. What training have they had: "The boss gives training on the 26th date of every month and it is written and signed". 12. Do they have a refusals log: Yes, however latest entry date was 04/08/2022. I noted that the premises were displaying a challenge 25 policy and the till prompt was working with a warning pop-up when age-restricted products are scanned. The training log states that the employee had his training on age-restricted products on 03/06/22. In addition, there were two refusal logs, one handwritten and one typed and there were CCTV's present in premises. I concluded my questions and checks

and informed the employee to expect a formal response from this Service.



West Parkide Chart Way	Officer's Contact Details:	No: 2481
SUSSEX Chart Way	Tel:	No. of the last of
COUNCII RH12 1XH Tel: (01243) 642124 trading.standards@westsussex.gov	v.uk Email:	_@westsussex.gov.uk
Proprietor: K+A AKS Ltd	Registered Office:	
Trading Name: K+A Enterprise	Mobile:	
Address: 118 South Road	Email:	Eyahoo. Co.UK,
Haywards Hearth	Websit.	O
Tel:Postcode: RHIG 4LT	Type of Business:	
☐ Consumer Rights Act 2015 ☐ General Product Safety Regular ☐ Trade Marks Act 1994 ☐ Health & Safety at Work etc. Act 1985 ☐ Petroleum (Consolidation) Regular ☐ Health & Safety at Work etc. Act 1985 ☐ Petroleum (Consolidation) Regular ☐ This report covers a summary of the inspection and Opening Indicate full consolidation)	sive Atmospheres Regulations 2002 tions 2005 ct 1974 ulations 2014 opliance with any legislation. In case of open composition, Labelling, Presentation omposition, Labelling, Presentation	nation Regulations 2014
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Trading Standards Service Parkside

Parkside Chart Way Horsham RH12 1XH 2of2,

Officer's Contact Details

No: 2482

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Tel. 0330 222		

Tel (01243) 642124 trading standards@westsussex gov.u		@westsussex gov uk
Proprietor K+A AKS 40		
Trading Name.	Mobile	
Address 118 South Do		
Haynerds Heath		
Tel Postcode	Type of Business	
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businesscompanion

trading standards law explained

Alcohol: age restrictions

In the guide

Preventing the sale of alcohol to children: an overview

The law

Sale of alcohol to children

Allowing the sale of alcohol to children

Persistently selling alcohol to children

Prohibition of unsupervised sales by children

Temporary events

Proxy sales of alcohol

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Age verification checks

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Online sales

Further information

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Key legislation

This guidance is for England and Wales

Everyone involved in sales from on-licensed and off-licensed premises should be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children.

It is essential that you keep within the law and have systems in place that will act as a legal defence to an allegation that an underage sale of alcohol has taken place. If you do sell alcohol to an individual who is under 18 you could be prosecuted and fined, and your licence to sell alcohol could be at risk.

Preventing the sale of alcohol to children: an overview

The Licensing Act 2003 sets out a series of objectives, which a licensing authority is required to promote. "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."

The objective on "the protection of children from harm" includes preventing the sale and supply of alcohol to under-18s. The law sets out the framework that aims to achieve this objective.

The premises licence holder, the designated premises supervisor (who must be a personal licence holder), any other personal licence holders, and staff within on-licensed and off-licensed premises should all be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children.

Before someone can apply for a personal licence, they must be aged 18 or over and have obtained an accredited licensing qualification, which covers licensing law and social responsibility related to the sale of alcohol. In addition, relevant criminal convictions must be disclosed.

It is the premises licence holder and designated premises supervisor's responsibility to keep within the law and to have systems in place that will act as a legal defence to an allegation that a sale of alcohol has taken place to an individual under the minimum legal age.

A penalty notice for disorder (PND) is a type of fixed penalty notice that can be issued by a police officer, police community support officer or an 'accredited person' to a person who sells alcohol to someone under 18. It is intended to provide a quick and effective means of dealing with certain types of offending - as an alternative to prosecution - and may be issued where the person making the sale is the bar person or member of staff (in off-licensed premises). The current penalty charge is £90.

A responsible authority, such as police or trading standards, may ask the licensing authority to review the licence because of a problem at the premises related to any of the four licensing objectives. The licence could be suspended or revoked. Other licensable activities and non-licensable activities are not affected by this suspension order.

The law

The Licensing Act 2003 sets out the offences, defences and penalties that relate to underage sales of alcohol.

Sale of alcohol to children

A person commits an offence if they sell alcohol to an individual under 18.

If you are charged with an offence you have the defence that you believed the individual was aged 18 or over, and you had either taken all reasonable steps to find out the individual's age or that no one could reasonably suspect from their appearance that they were under 18. 'Reasonable steps' means asking the individual for evidence of their age, and that the evidence would convince a reasonable person.

If you are charged with an offence due to the conduct of someone else - a member of staff, for example - you have the defence that you exercised all due diligence to avoid committing it. (The 'Keeping within the law' section below explains what this means.)

Allowing the sale of alcohol to children

A person who works at premises in a capacity that authorises them to prevent the sale of alcohol to an individual under 18 commits an offence if they knowingly allow the sale of alcohol to take place.

Persistently selling alcohol to children

It is an offence for a 'responsible person' (the premises licence holder) to unlawfully sell alcohol to an individual under 18 at the same premises on two or more different occasions within a period of three consecutive months.

An 'unlawful sale' is defined as where the person making the sale believed the individual was under 18 or that the person did not have reasonable grounds for believing the individual was 18 or over. 'Reasonable grounds' means asking the individual for evidence of their age and that this evidence when provided would convince a reasonable person, or that no one would reasonably suspect from the individual's appearance that they were under 18.

An enforcing body, such as the police or trading standards, can apply for a closure notice - which prohibits the sale of alcohol at the premises - as an alternative to prosecution; the duration of this notice can range from 48 to 336 hours. Where a premises licence holder is convicted of an offence of persistently selling alcohol to children, the court may suspend the licence authorising the sale of alcohol at that premises for a period of up to three months.

Prohibition of unsupervised sales by children

The premises licence holder, designated premises supervisor, or other responsible person aged 18 or over, commits an offence if they allow an individual under 18 to sell or supply alcohol unless the sale has been specifically approved and the person is supervised. There are exceptions if alcohol is sold or supplied for consumption with a table meal. You must check the ages of your staff to make sure you comply with the law.

Temporary events

If you want to organise a temporary event where a 'licensable activity' - such as the sale of alcohol - will take place on unlicensed premises, you must apply to your local council for a temporary event notice. A copy of the notice must be clearly displayed at the event. There are restrictions and requirements that you must be aware of before you make your application; contact your council for more information.

Offences under the Licensing Act 2003, including those that relate to age restrictions, also apply to temporary events.

Proxy sales of alcohol

'Proxy sales' is a term used to describe the purchase of alcohol on behalf of children.

A person commits an offence if they buy or attempt to buy alcohol on behalf someone under 18. It is also

an offence for a person to buy or attempt to buy alcohol for someone under 18 to drink on licensed premises. However, it is legal for someone aged 18 or over to buy beer, wine or cider for someone aged 16 or 17 to drink with a table meal on licensed premises, as long as the young person is accompanied at the meal by a person aged 18 or over.

Although it is the person who buys or attempts to buy alcohol for a child who commits the offence, you have a duty under "the protection of children from harm" licensing objective to prevent such sales from occurring.

Note: It is against the law to give children alcohol if they are under five years old.

Keeping within the law

In order to keep within the law and therefore satisfy the legal defences, you must introduce an age verification policy and have effective systems to prevent sales to persons under the minimum legal age. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, or to keep pace with any advances in technology.

Key best practice features of an effective system include the following.

Age verification checks

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 introduced conditions that apply to all licensed premises. One of these is that if your premises sells or supplies alcohol, you must have an age verification policy.

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the National Police Chiefs' Council support the UK's national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age.

A passport or photocard driving licence can also be accepted but make sure that the card matches the person using it and the date of birth shows they are at least the minimum legal age. Military identification cards can be used as proof of age but, as with other forms of identification, make sure the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17-year-old service people.

You do not have to accept all of the above forms of identification and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards, so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove that they are at least the minimum legal age - or if you are in any doubt - the sale should be refused.

Please see the Home Office False ID Guidance for more information.

Operate a Challenge 21 or Challenge 25 policy

This means that if the person appears to be under 21 or 25, they will be asked to verify that they are at least the minimum legal age by showing valid proof of age. You can incorporate this into your age verification policy.

Staff training

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe an underage person is attempting to buy. It is important that you can prove your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner. Members of staff should be advised that they themselves might be personally liable if they sell to young persons in breach of the legal requirements.

Maintain a refusals log

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

A specimen refusals log is attached.

Some tills have a refusals system built in. If using a till-based system, you should ensure that refusals can be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned.

Store and product layout

Off-licensed premises should consider the layout of their store and site the alcohol in a place where it can be easily monitored, such as nearer to the counter or even behind it.

Till prompts

If you possess an EPoS system then it may be possible to use it to remind staff of age restrictions via a prompt.

Signage

Display posters showing age limits and a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to staff.

Closed circuit television (CCTV)

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

Stay vigilant. Be aware of any young people outside your premises or nearby who may attempt to buy alcohol themselves or who may try and persuade an older person to buy it on their behalf.

Online sales

If you sell by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers. Please see 'Online sales of age-restricted products' for more information.

Further information

Detailed guidance has been produced by the Home Office under section 182 of the Licensing Act 2003.

For guidance on alcohol labelling and composition, including low-alcohol products, see 'Alcoholic beverages, spirits and food'; and for measuring requirements, stamps on glasses, etc see 'The sale of alcohol in licensed premises'.

Trading standards

For more information on the work of trading standards services - and the possible consequences of not abiding by the law - please see 'Trading standards: powers, enforcement and penalties'.

In this update

General detail added.

Last reviewed / updated: May 2022

Key legislation

Licensing Act 2003

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on changes to legislation can be found by following the above links and clicking on the 'More Resources' tab.

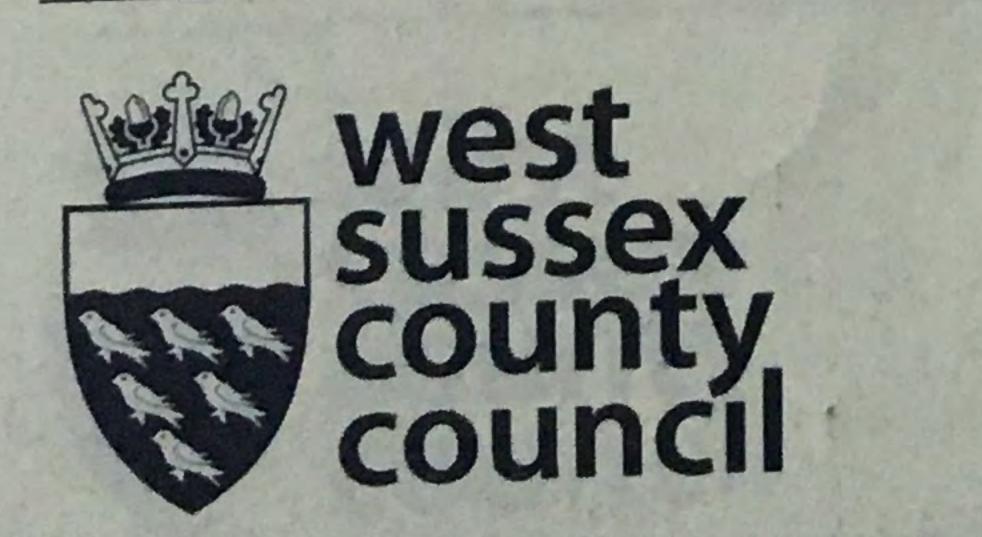
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Source URL:

https://www.businesscompanion.info/en/quick-guides/underage-sales/alcohol-age-restrictions

Premises: Ke A Enerprises	
Haywords Hearn, RH16 4LT	
Date & time of visit: 11:33 06/06/21	
Date advance notice given: (if applicable)	
Purpose of visit: Advice visit Re: alcohol seing	
Officer Name: Maffrew SlallW Tel Number:	
Other Persons Present:	

Part A: Activities carried out using Statutory Powers Entry using: Statutory powers Court warrant (copy attache	d)
Entry doing. Estatutory powers	
Legislation: ☐ Consumer Rights Act 2015 ☐ Food Safety Act 1990 ☐ Other (specify below)	w)
The powers used in respect to the legislation listed above have been summarised as far as practicable on the reverse of this Notice together with a summary of your rights.	r
Part B: Activities carried out with the consent of the owner/occupier I am employed by West Sussex County Council's Trading Standards Service and w your permission I wish to inspect goods, records and documents held on these premise You should be aware: 1. You are not obliged to consent to such activity, and you can withdraw you	es.
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rowers and Rights

Trading Standards Service
County Hall North
Chart Way
Horsham
RH12 1XH
01243 642124
trading.standards@westsussex.gov.uk

West Parkside Chart Way	Officer's Contact Details: No: 2905
SUSSEX Chart Way Horsham RH12 1XH	Tel: 0330 222
COUNCI Tel: (01243) 642124 trading.standards@westsussex.gov.u	Email:@westsussex.gov.uk
Proprietor: Kandeelan K	Registered Office:
Trading Name: Ke A Enterprises	Mobile:
Address: 118 South Road	Email:
Haguards Hearn, west susser	Website:
	Type of Business:
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Actions to be taken by Officer	herce review.
Business Companion guida restricted Products	ince Cuft on age
Issued by:	Person seen (print name in capitals):
Matthew Slaist	SELVARRUMAR.K.
Signed: (Authorised Officer)	Signed:
Date: 08 / 06 /2021 Time: 113 6	Position: Acting marages.
WS32155 03.18	Do you give consent to receive marketing emails? Yes No