

@westsussex.gov.uk www.westsussex.gov.uk/tradingstandards Trading Standards
Parkside
Chart Way
Horsham
West Sussex
RH12 1XH



Ms Kirstie East Alliance Property Holdings Ltd T/A Morrisons Daily Vigars Corner Church Road Copthorne Crawley West Sussex RH10 3RA

8th August 2022

Dear Ms East,

Our Ref: E205680

Licensing Act 2003
Nicotine Inhaling Products (Age of Sale & Proxy Purchasing) Regulations 2015
Children and Families Act 2014
Consumer Rights Act 2015
Tobacco and Related Products Regulations 2016
Tobacco Products & Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020

I'm writing to you following my visit on the 5th August 2022 regarding a complaint that has been received by West Sussex Trading Standards, alleging Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA has sold an age restricted product 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.

Section 7 Children and Young Persons Act 1933 makes it an offence to sell any tobacco product or cigarette papers to a person under 18.

Regulation 3 of the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 prohibits the sale of nicotine inhaling products to persons under the age of 18. Section 92(2) of the Children and Families Act 2014 makes it a criminal offence for a person to sell a nicotine inhaling product to a person under the age of 18.

As well as prosecution, the Acts allow 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 ¹.

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.

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.qov.uk/business-and-consumers/trading-standards-advice-for-businesses/

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. 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.

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

Yours Sincerely,



Nadia Begdouri **Trainee Trading Standards Officer Trading Standards Service**

Trading Standards Service Parkside Chart Way

Officer's	Contact	Details
Officer 3	Contact	Details

No. 3394

SUSSEX	Horsham	Tel:	
county	RH12 1XH Tel: (01243) 642124 trading.standards@westsussex.gov.	Email: uk	@westsussex.gov.uk
Proprietor: Alliance	2 Holdings	Registered Office:	
	ens Daily	Mobile:	
	igars Corner,	Email:	
	epthone, crawley	Website:	
Tel:	£ 1	Type of Business: Coveni	ence Store
□ Animal Health Act 1981 □ Consumer Protection Act 1987 □ Consumer Rights Act 2015 □ Trade Marks Act 1994 □ Weights & Measures Act 1985	☐ Consumer Protection from Unfai	r Trading Regulations 2008	plosives Regulations 2014 himal Feed (Hygiene, Sampling c. & Enforcement) (England) egulations 2015 her (specify)
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Signed:			
	(Authorised Officer) Time: 3 0	Signed: Position: MANAGET	

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 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 27th day of March 2023

Signed

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

On the 5th of August 2022, Miss Nadia BEGDOURI (Trading Standards Officer) and I visited Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA to give underage sales advice. Miss BEGDOURI and I spoke to Ms Kirstie EAST who was the manager of Morrisons Daily. I heard Miss BEGDOURI explain about age restricted products and best practises. I witnessed Ms EAST sign the visit report, and a copy was given to her.

On the 8th February 2023, I participated in an underage sales test purchase day, with two colleagues, Laura DERBY (Senior Trading Standards Officer) and Christina CAIRINS (Trainee Trading Standards Officer). A volunteer who is a 17-year-olds 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 briefed the volunteer and took photographs of their appearance that day. The volunteer is assigned a unique code "NZA1" to protect their identity.

At approximately 1544 hours, I witnessed Mrs DERBY enter Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA. I witnessed the underage volunteer enter Morrisons Daily a few seconds after. I saw the volunteer exit Morrisons Daily with one bottle of WKD Blue alcohol. I take the WKD Blue from the volunteer, and we return to the operational car. Mrs DERBY followed. The WKD Blue alcohol bottle was given to Mrs DERBY.

Approximately at 1544 hours Mrs DERBY and I entered Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA. I heard Mrs DERBY explain who we are and explain about the underage sales test purchase to the shop employee that sold the alcohol which is Mr Ethan George FELGATE (DOB ...). I heard Mrs DERBY say she witnessed the sale of alcohol to the underage volunteer and explained to Mr FELGATE that she needs to ask a set of questions in relation to the unlawful sale of alcohol that took place.

Approximately at 1547 hours I witnessed Mrs DERBY caution the shop employee, Mr FELGATE and proceed asking a set of questions.

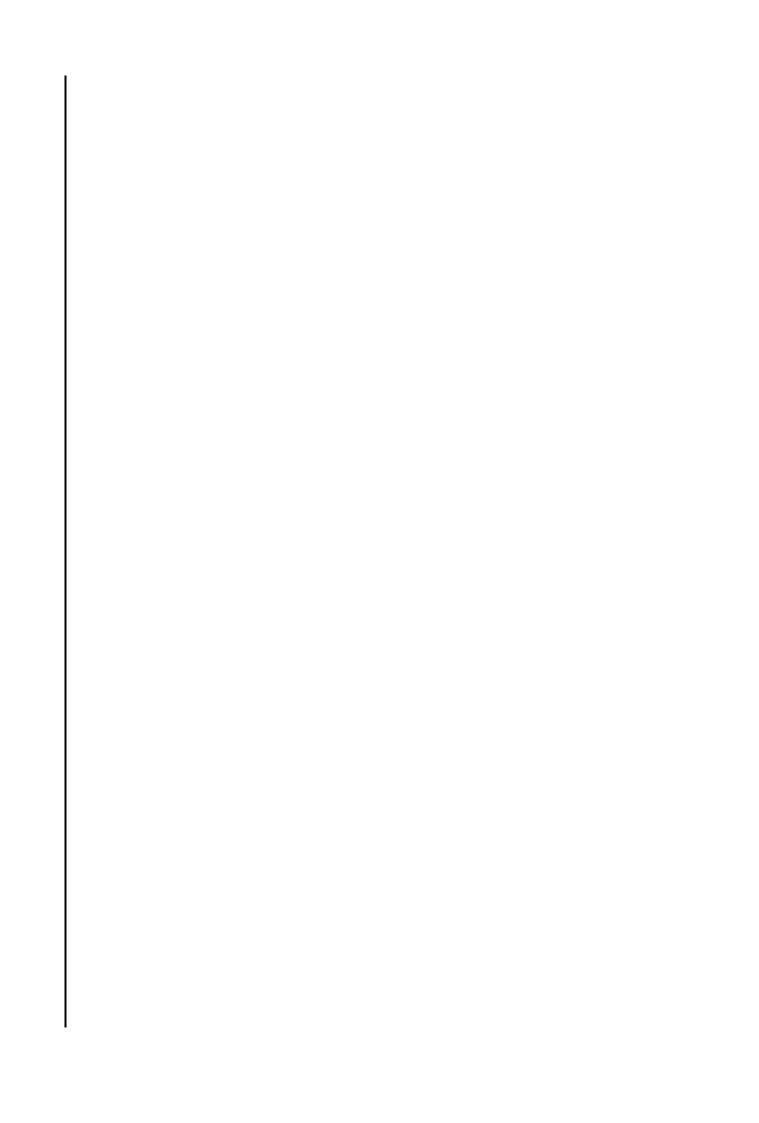
I heard Mr FELGATE answer Mrs DERBYS questions and he explained that he had been working at Morrisons Daily for approximately 1-2 weeks and that he had training one week prior. Mr FELGATE explained this training was in the form of videos and written training, which he signed a training log. I heard Mrs DERBY ask whether Mr FELGATE remembered the sale and what age he thought the volunteer was. Mr FELGATE explained that he did remember the sale and he thought the volunteer was 19 or 20 years old. Mrs DERBY asked about challenge 25 policy, which Mr FELGATE said he could not remember. Mrs DERBY explained the challenge 25 policy to Mr FELGATE. I heard Mrs DERBY ask to see till prompts. I

witnessed Mr FELGATE scan an age restricted product and Mrs DERBY confirmed till prompts. Mrs DERBY asked Mr FELGATE if the till prompts worked, why did Mr FELGATE still sell the WKD Blue alcohol bottle. Mr FELGATE said that he did not think to ask the volunteer for identification. Mrs DERBY requested to see a refusal log, Mr FELGATE explained that he does not know what a refusal log is and may be recorded electronically but was unsure.

I heard Mrs DERBY finish asking questions to Mr FELGATE, and that we will be in touch.

Approximately at 1600 hours, Mrs DERBY and I exited Morrisons Daily.





STATEMENT OF WITNESS

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

STATEMENT OF: Nadia Begdouri

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

Occupation of Witness: 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 27th day of March 2023

Signed

I am employed by West Sussex County Council Trading Standards Service as a Trading Standards Officer. On the 5th August at approximately 1230 hours, I entered Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA along with Trainee Trading Standards Officer Natasha Ali. I spoke to Kirstie EAST who was the manager of the shop and explained the reason for my visit. I began filling in the visit paperwork (reference number 3394), which Kirstie EAST later signed. I am producing this form as exhibit NB/MD/1. A statutory tobacco notice was present in the shop. I asked to see the shop's refusal log, which was present on the till's EPOS system, the last refusal was made on the 4th August 2022. A till prompt was also present on this till system. I asked about CCTV and this was present, faced outside the shop, however was not working during our visit. The shop had a challenge 25 policy in place and posters were displayed in the shop. I asked the manager Kirstie EAST how training on age restricted products is conducted with staff. I was told that all training is done online. I was informed that challenge 25 training was conducted every 3/6 months and instruction for this comes from head office. I was also informed that no new starter employees are allowed to work on the till until training is completed. I then informed Kirstie EAST that we would be attempting a test purchase with one

of our underage volunteers in the near future. I also made her aware that a failure of our upcoming test purchase attempt could result in an alcohol revocation. This was written on the visit form and also reiterated in the follow up letter that I emailed over to Kirstie EAST on the 8th August 2022, which I am producing as exhibit NB/MD/2.

Statement obtained by (print	name): NADIA BEGDC	URI											
Witness details													
Address:													
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:													
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Email address:													
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Other number(s):													
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Dated the 27th day of March 2023

Signed

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: 22nd February 2023

Signed

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

On 8th 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 () 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 1530 hours, as part of the operation, I entered Morrisons Daily, Unit 1, Vigars Corner, Church Road, Copthorne, West Sussex, RH10 3RA. I browsed around the shop acting as a normal customer 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 busy at the time with school children and families. Prior to the sale taking place, the female cashier that was serving customers at the till area swapped over with a male colleague. I witnessed the

volunteer put a bottle of WKD Blue alcoholic drink onto the till counter and saw that the male cashier didn't once look at the volunteer until after he had asked for the payment and if she was paying by cash or card. The male sold the alcoholic drink to the volunteer and the volunteer shortly left the premises with the alcoholic drink. I then proceeded to purchase my goods and then left the premises too. I returned to the support vehicle with my colleagues, 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/U1VC/01 – 1 x WKD Blue – 700ml – seal no. LC00030903

At approximately 1545 hours, Natasha Ali and I returned to Morrisons Daily, Unit 1, Vigars Corner, Church Road, Copthorne, West Sussex, RH10 3RA 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 suggested that he ask his colleague to replace him on the tills so we could go somewhere more private to speak and we went into the back office. I asked the male for his name and date of birth and he advised me that his name was Mr Ethan George FELGATE (dob). I cautioned him and explained the caution to him which he advised me that he understood. I asked Mr FELGATE a series of questions in relation to the sale and the answers were recorded in my pocket notebook. Mr FELGATE advised me that he lived locally and I recorded the exact address in my pocket notebook.

Mr FELGATE advised me that he had started working at Morrisons Daily approximately two weeks' prior and was contracted to fulltime hours. He advised that he had started work at 2pm that day. When asked what training he had received, he advised me that his training had been carried out approximately one week prior and the training was in the form of written training and videos and he signed some paperwork to confirm that he had received his training.

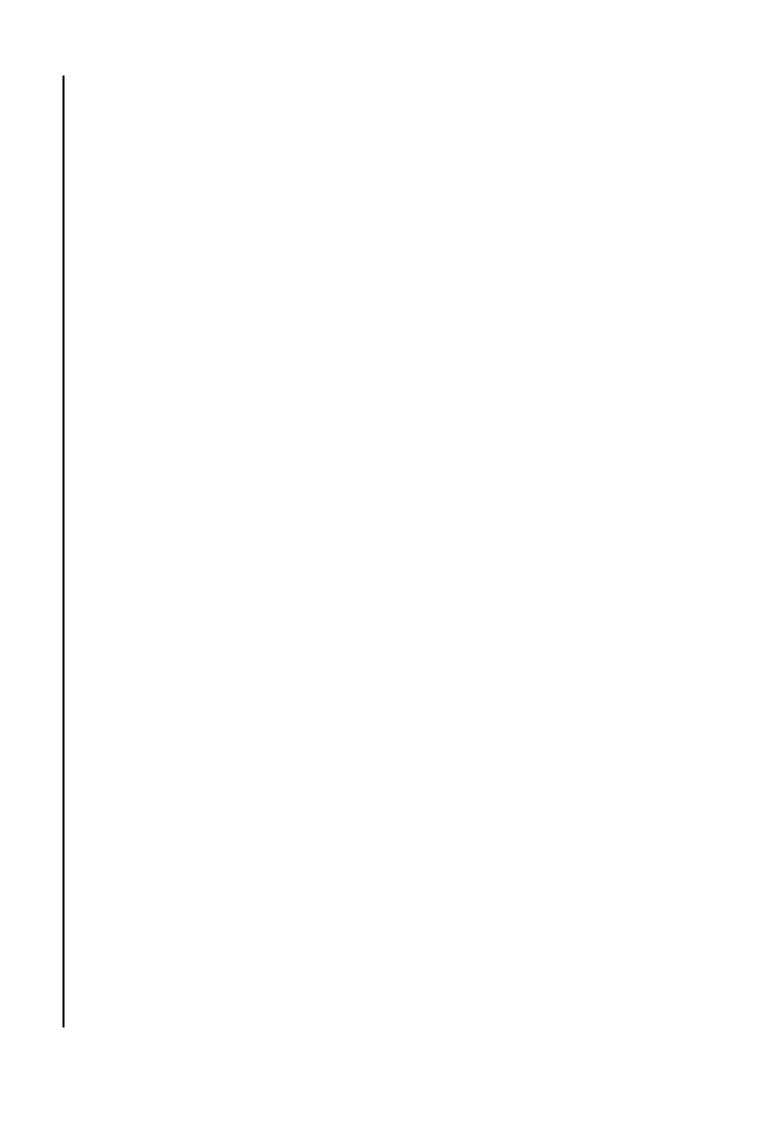
When I asked Mr FELGATE if he could remember the sale, he said that he could and he thought the female volunteer was 19 or 20 years old. I queried this with Mr FELGATE and asked if he was aware of what a Challenge 25 Policy was and he said that he couldn't remember so I explained the purpose of it to him.

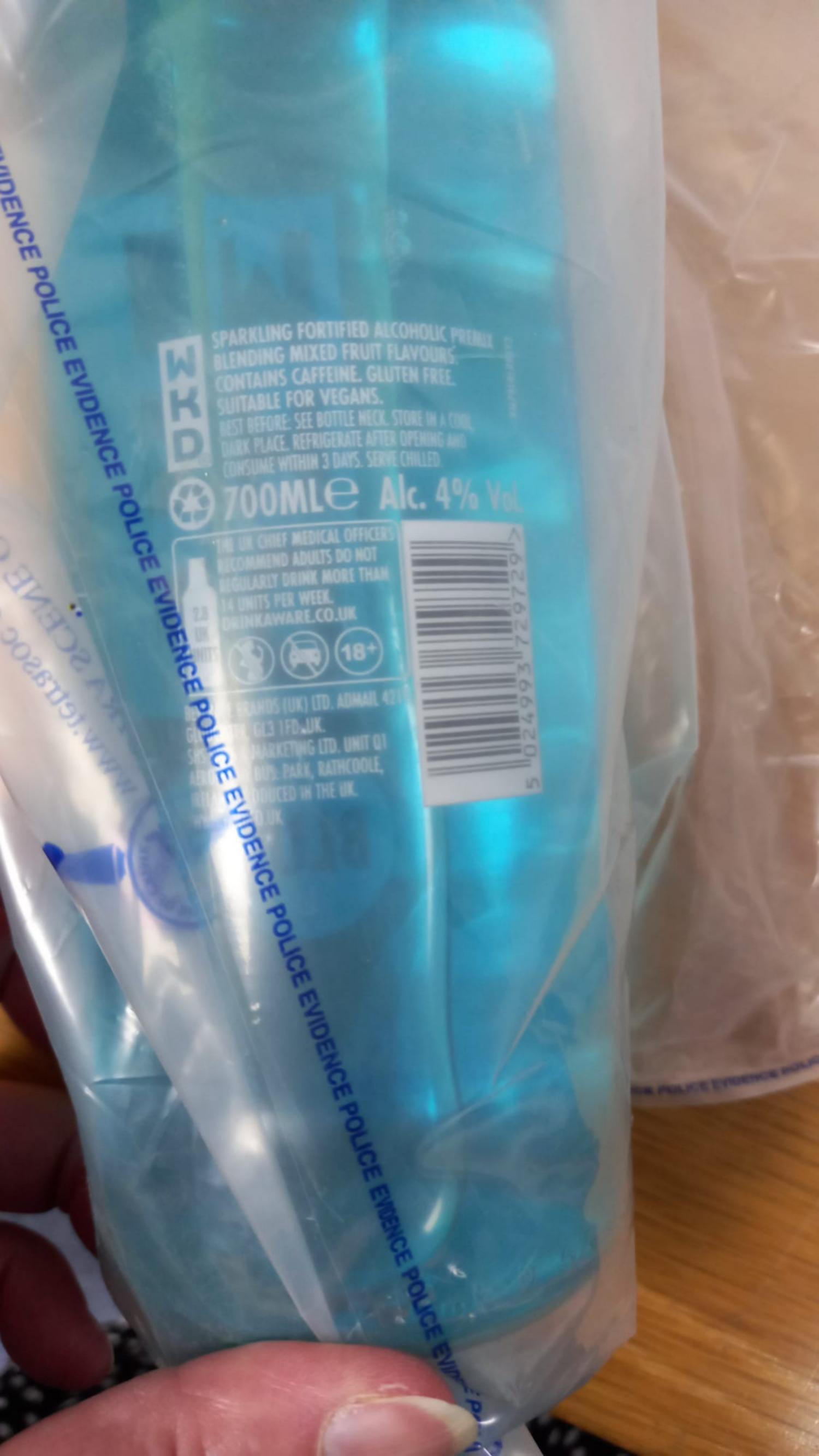
Natasha Ali, Mr FELGATE and I then went back onto the shop floor area and I checked the till prompts were working, which they were. I asked Mr FELGATE if the till prompts had worked when scanning the WKD Blue in that he had sold to the volunteer and he said that they had but he didn't think to ask the volunteer for any identification. I asked Mr FELGATE to show me a copy of the refusals log and he said that he didn't know what it was and had never written anything down but it may be recorded electronically on the system, but wasn't sure.

Prior to leaving the premises, I made a note of the Premises Licence number from the Premises Licence that was on display behind the till area. I also noted the Manager and Deputy Manager's name and telephone numbers in my pocket notebook.

Natasha Ali and I left the premises together at approximately 1600 hours.









Natasha Ali Trainee Trading Standards Officer

westsussex.gov.uk www.westsussex.gov.uk/tradingstandards Trading Standards Parkside Chart Way Horsham RH12 1XH



22nd May 2023

Ms Kirstie East
Alliance Property Holdings Ltd T/A Morrisons Daily
Vigars Corner
Church Road
Copthorne
Crawley
West Sussex
RH10 3RA

Dear Ms East,

Our Ref: PR202303-6384

I am writing to you following the test purchase operation, where on 8th February 2023, alcohol was sold to an individual under the age of 18, contrary to the Licensing Act 2003

Due to the potential contraventions of the above legislation, I now request a formal interview 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 enclosed questions below. If, however you would prefer for the interview to take place face to face then please let me know.

The reason for the interview is that at approximately 15:30 on the 8th February 2023, a volunteer under the age of 18, was under the instruction and supervision of Trading Standards Officers from West Sussex County Council, and entered Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA. The volunteer was sold alcohol, namely one bottle of Blue WKD (700 ml), by a male working in the premise under the name of Mr Ethan George FELLGATE. It was witnessed that the male, did not ask the volunteer for their age or ask them for any identification.

It is therefore alleged that offences have been committed under the Licensing Act 2003 in which a person commits an offence if he sells alcohol to an individual aged under 18.

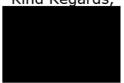
Please return your response to these questions together with any documentation that you wish to rely on by the 5th June 2023 by email to _______@westsussex.gov.uk

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.

Kind Regards,



Natasha Ali Trainee Trading Standards Officer

PACE Questions

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
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- 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. 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. Do you run any other businesses? (Please state address of other businesses)
- 7. What is your annual turnover for Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA?
- 8. What is the annual turnover of Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA in relation to the sale of alcohol?

- 9. Please confirm the name of the licence holder at the time when the unlawful sale of alcohol was made and if there have been any changes since.
- 10.On the 8th 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 one alcohol bottle of Blue WKD (700ML) from. (See Picture 1 and Picture 2) Can you explain how a minor was able to purchase alcohol from your business?
- 11. What procedures do you have in place to prevent selling age restricted products to children? (Please provide copies of any written procedures.)
- 12. Who was responsible for drawing up these procedures? (Please state their role within the company.)
- 13. What training was provided to this person?
- 14. On the 5th August 2022, myself and my colleague Nadia Begdouri visited and provided advice in relation to selling age restricted products. My colleague followed up the visit by sending an advice letter by email (see Letter 1) Can you confirm that you did receive this letter?
- 15. Did you take any actions or make any changes after having this advice visit or receiving this letter?
- 16. The alcohol was sold to a minor by Mr FELLGATE, has he had any training on age restricted products?
- 17. How long has Mr FELLGATE been working at Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA?
- 18. What is Mr FELLGATE's role at Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA?

19. What training have you provided relating to the prevention of Underage Sales? Please provide copies of any training records.
20. How many employees work at Alliance Property Holdings Ltd T/A Morrisons Daily, Vigars Corner, Church Road, Copthorne, Crawley, West Sussex, RH10 3RA?
21.Do you have a refusal log/register to keep a record of attempted age restricted products at your shop? Please provide a copy of pages that cover January and March 2023.
22.Do all your employees use the refusal log/register and understand how to use it?
23.Do you monitor the refusal log/register to ensure that all staff are using it and updating it? If so, please provide evidence.
24. Is Mr FELGATE trained to use the refusal log/register?
25. Do you have a challenge 25 policy in place?
26. If so, please can you explain your understanding of this.
27. Are your staff trained and understand the challenge 25 policy? If so, please provide evidence.
28. Since the visit on 8 th 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?
29. Who instigated these changes?

age restricted products are not being sold to minors? If so, how often is it monitored?
31. Do you have till prompts to remind staff to ask for ID when selling age restricted product?
32. What, if anything, Mr FELLGATE could have done to prevent the sale of alcohol on the 8 th February 2023?
33. Do you accept that Mr FELLGATE sold alcohol to an individual under the age of 18, contrary to Licensing Act 2003.
34. 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 along with any supporting documents.
Name:
Position:
Signature: Date:

Picture 1 Picture 2





Letter 1 is attached