

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: 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 22nd day of August 2023

Signed

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

I attempted to contact Aji and Aksh Limited t/a Express Supermarket, 68 Newland Road, Worthing, England, BN11 1JX to arrange an appointment but there was no answer.

On the 16th February 2023, I visited Aji and Aksh Limited t/a Express Supermarket, 68 Newland Road, Worthing, England, BN11 1JX, to give advice on age restricted products. There were allegations that Express Supermarket was selling alcohol to children under the age of 18.

Approximately at 10:40, I entered Express Supermarket. There was an asian male, no hair, small build approximately 50 years old at the counter called [REDACTED] who was the shop employee. I explained to [REDACTED] about the alleged complaint of alcohol being sold to underage children, and that I am here to give advice to the business regarding age restricted products.

[REDACTED] rang the owner and I spoke to owner, whose name is Mr BALA. I explained to Mr BALA about the alleged sales of age restricted products and that I was visiting to give underage sales advice. I also explained that there WSCC

Trading Standards will be doing a future test purchase with a volunteer and if Express Supermarket fails our test purchase it could result in alcohol review or revocation. The last thing explained to Mr BALA was regarding the follow up advice letter that I would send after my advice visit.

A Notice of Powers and Rights (61462) was filled in with [REDACTED]

Key points were discussed and checked with [REDACTED]. I checked the shops refusal log, the last entry entered was on 31/10/2022 and was for a Lost Mary e-cigarette. I explained to [REDACTED] that the refusal log should continuously be updated. The next check was what ID was accepted, [REDACTED] explained passport, driving licence. I advised not to use any mobile apps or phone ID. There was no statutory tobacco sign. I gave one statutory tobacco to [REDACTED] and explained that this sign is a legal requirement and must be visible. There was Under 25 posters present. I checked that there was CCTV present in the premise, there was inside and outside the business. I asked [REDACTED] about any training logs, he explained that he has had verbal training and that there is no signed training log. I gave two Business Companion handouts to [REDACTED], which are for Alcohol and Tobacco and Nicotine Inhaling products. I explained to read these handouts every month to refresh training and to make a signed log of this. The last check I made was regarding till prompts, there was till prompts present.

[REDACTED] signed the visit report at the end (4674), and a copy was given to him.

At approximately 1108 hours, I exited Express Supermarket.

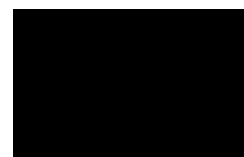
On the 20th February 2023 I sent a follow up advice letter via post to Aji and Akash Limited, Express Supermarket, 68-70 Newland Road, Worthing, West Sussex, BN11 1JY.

I produce as evidence the following:

Notice of Powers and Rights (61462) which is exhibited as **NA/ES/01**

Visit report (4674) which is exhibited as **NA/ES/02**

Follow up advice letter which is exhibited as **NA/ES/03.**



Notice of Powers and Rights

61462

Recipient: [Redacted]
Premises: AJI and Akash Ltd T/A CYPRESS - MARKET
69-70 Newland Road, West Sussex, BN11 1JX

Date & time of visit: 16/08/23 10:45
Date advance notice given: (if applicable)
Purpose of visit: VAS routine visit

Officer Name: NAFASHA AIT Tel Number: 0330 200 2334
Other Persons Present: [Redacted]

Part A: Activities carried out using Statutory Powers
Entry using: Statutory powers Court warrant (copy attached)
Legislation: Consumer Rights Act 2015 Food Safety Act 1990 Other (specify below)

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.

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 with your permission I wish to inspect goods, records and documents held on these premises.

- You should be aware:
1. You are not obliged to consent to such activity, and you can withdraw your consent at any time before the visit is concluded
 2. Any goods, record or documents obtained may be used in evidence in court proceedings
 3. You are not suspected of any offence (delete if inapplicable)

I hereby consent to the officer(s) named above inspecting any goods, records or documents held on the above named premises. I have read and understand the warning above.

Signature: Print Name:
Job Title / Position within Company:

I acknowledge receipt of a copy of this document
Signature: [Redacted] Print Name:
Job Title / Position within Company: Shop employee.



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



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

No. 4674

Officer's Contact Details:
 Tel: 0330 222 2334
 Email: namika.ataali @westsussex.gov.uk

Proprietor: Aji and Akash Ltd
 Trading Name: Express Supermarket
 Address: 69-70 Newland Road,
West Sussex
 Tel: _____ Postcode: BH11 1Y

Registered Office: _____
 Mobile: _____
 Email: _____
 Website: _____
 Type of Business: off license

- | | | |
|---|--|--|
| <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 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 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

- | | | | | |
|---------------------------------------|---|---|---|--|
| <input type="checkbox"/> Records | <input type="checkbox"/> Specifications | <input type="checkbox"/> Production Process | <input type="checkbox"/> Food Safety & Hygiene (England) Regulations 2013 | <input type="checkbox"/> Food Information Regulations 2014 |
| <input type="checkbox"/> Traceability | <input type="checkbox"/> Stock Rotation | <input type="checkbox"/> Completed Product | <input type="checkbox"/> Composition, Labelling, Presentation | <input type="checkbox"/> Product Design & Recipe |
| | | <input type="checkbox"/> Quality / Management Systems | <input type="checkbox"/> Recall / Relabelling Systems | |

Corrective actions & timescales (legal requirements)

- Spoke to owner and shop employee (over phone) - Bella about UAS complaint and why TS is here.
- Spoke to owner (Bella) about future UAS TP, and if business fails, there will be an alcohol licence review
- Trading for 4-5 years approximately by Aji and Akash Ltd company
- 2 part time employees
- spoke about follow up advice to be sent via post

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

Key points discussed, comments and recommendations

- refusal log, last entry 31/10/22 for lost Mary at 4:20 pm, no ID no sale and signed. explained that last entry is October²², and to continuously fill it no sale, no id
- ID accept, passport and driving licence, no phone ID.
- no statutory tobacco sign, x1 given to be put up on gentry, and explained legal requirement.
- Under 25 poster present.
- CCTV, inside only. explained about outside CCTV to prevent proxy sales (explained what proxy sales are)
- Staff training - shop employee verbally knows, x2 business companions (alcohol & tobacco) explained to read & log every couple of months

Actions to be taken by Officer

follow up advice x1 statutory tobacco sign, x2 business comp Guidance to follow
 UAS future TP, if business fails then an alcohol licence review

Issued by: Namika Ali
 Signed: _____ (Authorised Officer)
 Date: 16 / 02 / 20 23 Time: 11.05

Person seen (print name in capitals): _____
 Signed: _____
 Position: _____

In the event of any dispute or complaint please contact:
 trading.standards@westsussex.gov.uk or call (01243) 642124

Aji and Akash Limited
Express Supermarket
68-70 Newland Road
Worthing
West Sussex
BN11 1JY

20th February 2023

Dear Sir/Madam

Our Ref: 385461

Licensing Act 2003

I'm writing to you following my visit on the Thursday 16th February 2023 regarding a complaint that has been received by West Sussex Trading Standards, alleging Aji and Akash Limited t/a Express Supermarket, 68-70 Newland Road, Worthing, West Sussex, BN11 1JX 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 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.

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.

Your premises alcohol licence may contain specific conditions which should be followed, but there are also a number of best practice checks that you and your staff could implement to help prevent the sale of any age restricted products.

'Challenge 25' system:

¹ *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/

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.

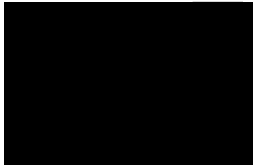
Please note the above advice is best practice and is not a legal requirement. However, the legislation states if you are charged with an offence of selling an age restricted product to a person under the age of 18, it is a defence if you're able to prove you took all reasonable steps to determine the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

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

I'd be grateful if you would please acknowledge receipt of the above advice by email to natasha.ali@westsussex.gov.uk If you also have any queries or require further information please don't hesitate to contact me.

Kind Regards,



Natasha Ali
Trainee Trading Standards Officer