WITNESS STATEMENT

Crime Number:……

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN | | | | |

Statement of: Stephanie Reynolds .....

Age if under 18: OV 18..... *(if over 18 insert 'over 18')* Occupation: Police Sergeant .....

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.

Signature: S. Reynolds ..... Date 21/10/22 .....

Tick if witness evidence is visually recorded ☐ *(supply witness details on rear)*

I am Police Sergeant 6222 of West Midlands Police currently stationed at Wolverhampton Police Station.

I have viewed Body Worn Video that was taken on 13th September 2022 by PCSO 31770 Flynn NEAL during a visit to Sunnys Superstore, Cleveland Street, Wolverhampton. PCSO NEAL was in company with Licensing Officer Aimee Taylor (AT) at that time.

The purpose of this statement is to provide a detailed description of what the footage shows including the conversations had.

13.23hrs AT and PCSO NEAL arrive at the premises and the Premises Licence Holder (PLH) Narinderjit Malhi was present behind the counter serving customers.

13.26hrs PLH is serving customers alcohol who appear under 25 without asking for ID – This is a breach of their licence conditions

13.27hrs PLH states he has spoken to Anita from licensing and she told him to contact AT

13.27hrs AT starts to go through the conditions on the premises licence.

AT asked to view CCTV from 31 days ago. **PLH says he can't do this, that it's only available for 28 days**

13.31hrs PLH discusses the crime 20/642353/22 whereby PLH called police but refused to provide a statement or assist police further.

13.34hrs AT asks if PLH can download footage from CCTV. PLH says **"hopefully I can but I've never done that" PLH continues to repeat this and said he would have to look into it**

13.36 AT asks PLH if there is an incident book. PLH searches for an A4 notebook and shows AT. PLH states "the drunk people we refuse we don't put in there, especially the kids come in, that's who we're more concerned about." AT looks at the book – which was a refusals book – not an incident book.

13.36 AT asks "do you do Challenge 25?" PLH replies **"What's that?"**

AT asks "It's the new policy, have you heard of Challenge 21?"

PLH shakes his head and says **"No"**

PSCO NEAL asks, "Do you put incidents in that book, like the incident the other day with the bloke in the shop" PLH replied, "No because I called the police and I didn't take it any further" "That's why I never put it in" "Nothing

happens in this area – everyone around this area (points outside the shop) I have been so nice to them**" "It's only the drunk people that cause problems"**

13.38hrs AT asks "Have you got litter bins outside the shop" PLH replies **"No"**

13.38hrs AT asks "Have you got lights outside the shop?" PLH replies "The Mander Centre have some and there is strip lighting"

13.38hrs AT says "So you don't do staff training on Challenge 25?" PLH replies "**Now you've made me aware I shall start doing that. I only do that below 18"**

13.39hrs AT asks "Do you know the conditions on your licence, have you got a copy?" PLH replies something about not having a password, but is slightly inaudible. **Then confirms that he does not know what the conditions on the license are.** AT then says "I will try and chase up the council and get you a copy"

13.39hrs AT asks if there is a prompt on the till for sales of tobacco and alcohol. **PLH confirms there is not.**

13.40hrs PLH confirms that he is in regular conversations with the officers, probably every other day.

13.41 PLH refers to an incident when he was threatened by a customer and as the police could not trace him he was disappointed. States this was over a year ago, and confirms he has worked at the premises a long time. AT then asks how long he has worked at the shop and then states 1 year.

13.42hrs AT confirms that he does need an incident book and that any calls to police need to be documented in that book. The refusals book is for refusals only.

13.43hrs AT and PCSO NEAL leave the shop. Directly outside the shop was an intoxicated male (known street drinker) who was engaged with by PSCO NEAL and AT. At this time he was drinking a can of alcohol, which PCSO NEAL asked he hand over. He refused, said he would neck it and then stated he was an alcoholic and needs to drink. He refused to state where he got it from, but was informed that he cannot drink in the City Centre.

I can confirm having watched this footage that this male was under the influence of alcohol, he was intoxicated/drunk. To confirm what I mean by this I refer to stated case of R v Tagg [2001] EWCA Crim 1230, the Court of Appeal determined that the everyday meaning of 'drunk' should be used, as it is not defined by statute.

The noun 'drunkenness' is described by the judge in s.4 of the case as: 'Affected by alcohol in the body to such an extent that one is without full or proper control of one's faculties or behaviour'. They accepted the Collins English Dictionary and Oxford Dictionary definitions as being materially the same, ie: intoxicated with alcohol to the extent of losing control over normal physical and mental functions (Collins) having drunk intoxicating liquor to an extent which affects steady self-control (Oxford)

13.45hrs another male is seen to come out of the shop having made a purchase of a single can. AT and PCSO NEAL return inside the shop and have a conversation with the PLH.

13.45hrs AT asks about single can sales and the PLH says that it is a £2 minimum spend, so the male bought 2 cans instead. PLH stated that the male he was currently serving (in the shop at the point of this conversation) was not a drunk, and that he was going home to drink them.

AT states that this is not a breach of the license as that condition is not on the licence, but then goes on to explain that it a criminal offence to sell alcohol to someone who is drunk. PLH confirms **"I know that"**

AT goes on to explain further that it's an **offence to sell any alcohol, single or otherwise to anyone, to which the PLH agreed and points to PCSO NEAL saying "Yes, like I said to you earlier"** The PLH points at the customer in the shop and says "He's sober and is going home" This was agreed by both AT and PCSO NEAL.

13.46hrs AT states that single sales are not currently on the licence, "but we are trying to get it on your license as your shop is causing issues" at this the PLH is nodding in agreement. AT continues saying that we need to solve the issue and that people would have to buy a pack.

PLH states **"the packs are way expensive for them (points outside the front of the shop) to buy. To be honest only the people who take it home can afford to buy the packs"**. AT says **"but those people (referring to those outside the shop) are drunk aren't they?**" PLH replies "**Yeah they're drunk, I wouldn't serve them"**

AT says "whether they can afford it or not, you shouldn't serve them anyway" PLH replies "**Yeah that's fine, that's what I wanted to be clear about"** AT states **"So that's a definite absolute no, it's a criminal offence**". PLH replies **"I understand that, when I passed my licence it says that on there"**

13.47.05 AT and PCSO NEAL leave the shop and wait outside.

13.52hrs AT and PCSO NEAL return inside the shop after seeing the earlier encountered drunk male walk into the shop and come out with a can of alcohol. The first 30 seconds of this footage are without audio, but when the audio starts the PLH states that he never **sold a single can to the identified male, he sold 2 cans for £2.**

AT states **"so after I have just told you it's a criminal offence to sell to someone who is drunk"** PLH says "He's not drunk" PCSO NEAL asks "are you sure?" PLH says, **"well if I refuse them here, they will go the other shop"**

PLH says "this one I did say to him, no single can and he said no I'm having 2 cans, but like he doesn't look drunk to me" PLH confirms that although he sold 2 cans, he left with one and will return for the other one later.

PLH says "**you can watch the CCTV, I told him that I have to sell him 2 cans, so I look good in your eyes"**

AT says that the matter will be recorded and both leave the shop at 13.54hrs.

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Signature: S.Reynolds ..... Signature witnessed by:.....