

## Appendix 1

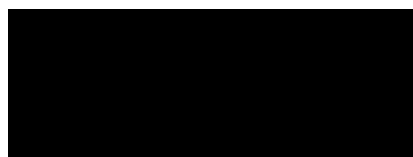
## STATEMENT OF WITNESS

(Criminal Procedure Rules r16, Criminal Justice Act 1967 s 9,  
Magistrates' Courts Act 1980 s 5A(3)(a) and 5B)

STATEMENT OF      DEBRA CRANER  
AGE                      Over 18 years  
OCCUPATION        *Section Leader – Licensing and Compliance*

This statement, consists of 3 page 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.

Date 29 March                      2023                      Signed

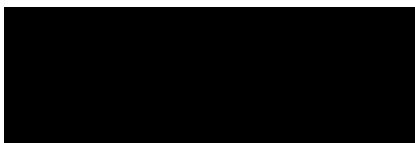


1. My name is Debra Craner and I am employed by City of Wolverhampton Council as a Section Leader within Licensing Act team within Licensing Services. I have responsibility for the Licensing and Compliance team and its duties under the Licensing Act 2003. This role includes the overseeing of the co-ordination and process of licensing applications made to the Licensing Authority under the Licensing Act 2003, the inspection and compliance of licensed premises and to present reports for the Licensing Committee and to give evidence to any resulting appeals at court.
2. On 2 December 2023, a complaint was received via Customer Services from a [REDACTED] [REDACTED] regarding alcohol that had been sold to his 15-year-old daughter.
3. On 2 December 2023 I telephoned [REDACTED] and he informed me that his daughter, who was living in care had managed to obtain some money and purchase five cans of Black Storm lager (7.5% volume alcohol) from an off licence on the Willenhall Road, Wolverhampton. He described to me exactly where it was and I established that it was Jyot Off Licence, 287 Willenhall Road, Wolverhampton WV1 2HY. He told me she

had drunk all five cans and as a result collapsed in the street and was found by a passer by who called emergency services. He went on to tell me that whilst ambulance crew were treating his daughter, she went into cardiac arrest and was at that point an in-patient at [REDACTED] Hospital, [REDACTED].

4. On 6 December 2023, I visited Jyot Off Licence with Anita Chonk, a Senior Licensing and Compliance Officer from Licensing, Gurdip Gill, a District Officer from Trading Standards and Kayley Dixon a Licensing Officer from West Midlands Police.
5. We entered the shop at approximately 13:55 hours and I introduced myself to an Asian man who was sitting behind the counter. He gave his name as Gurdip Singh and said he was the owner. I also introduced the rest of my colleagues. I
6. I explained to Gurdip Singh that we had received a complaint regarding the selling of alcohol on 1 December to an under-age girl who was 15 years old. He seemed to have great difficulty in understanding what I was saying and so I asked my colleague Anita Chonk to explain in Punjabi the reasons we were there and that we wanted to view the CCTV. Gurdip Singh said that he thought the girl was old enough to buy alcohol.
7. Gurdip Singh told us that the girl's father had been to the shop day after the incident and had viewed the CCTV and took photos of the stills. He also told me that the father had asked him for £50 to guarantee that he wouldn't make a complaint and also mentioned something about medicine. Mr Singh said he gave him £50 in cash.
8. I tried to view the footage by using the remote control but I could not access the relevant date and footage which would show the sale taking place. It looked like it was no longer there. I asked my colleague Gurdip Gill if he could attempt to access the

Signed



Date 29 March 2023

footage. He was also unable to do so. Gurdip Singh rang his son who was on his way back from school and asked if he could talk him through how to use the CCTV. He tried again but was still unable to view the relevant footage.

9. I asked Gurdip Gill if he could take the CCTV hard drive so that it could be examined with the view of retrieving the footage.

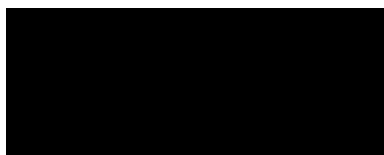
10. I made a number of appointments with [REDACTED] so that I could take a statement from him but on each occasion, he failed to attend or cancelled.

11. On 7<sup>th</sup> March 2023, I was due to meet [REDACTED] again but he cancelled and sent me a WhatsApp still of two photographs that he had taken of the CCTV footage. I produce these as Exhibits DAC/JYOT/1 and DAC/JYOT/2 respectively.

12. On 20 December 2022 Gurdip Gill handed me a report from Arcanum containing details of the footage.

13. On 4<sup>th</sup> January 2023 I looked at the footage obtained and the report from Arcanum. This showed CCTV images from 2 December 2022. The footage from the day of the incident regarding the underage sale was on 1<sup>st</sup> December 2022.

Signed

A large black rectangular redaction box covering the signature of the declarant.

Date 29 March 2023



## STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;  
Criminal Justice Act 1967, s. 9)*

## STATEMENT OF Gurdip Gill

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

**This statement (consisting of 3 pages) 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.**

**Date**                      **2023**                      **Signed** .....

1. I am employed by the City of Wolverhampton Council as a District Officer in the Trading Standards Team. I hold the Diploma in Consumer Affairs. My duties include the investigation of complaints into fair trading matters. I am an authorised officer for a wide range of consumer protection legislation including the Consumer Protection from Unfair Trading Regulations 2008.
2. On 6 December 2022 I accompanied officers from City of Wolverhampton Council's Licensing Section on a visit to the premises of 3 Jyot Off Licence, 287 Willenhall Road, Wolverhampton, WV1 2HY following receipt of a complaint about an alleged sale of alcohol from the shop to a minor.
3. The other officers were Debra Craner Section Leader, Licensing & Compliance, and Anita Chonk, Senior Licensing and Compliance Officer. Kayley Dixon, from West Midlands Police, also attended.
4. We arrived at the shop premises at around 13:55 hours. Upon entering the premises, I observed a middle-aged Asian male behind the shop counter. He stated that his name was Gurdip Singh. Debra Craner introduced the officers

Signed .....

Date .....

who were present and spoke to Mr Singh about the complaint that had been received. She asked to view the shop's CCTV footage of the incident. Mr Singh had difficulty in understanding what Mrs Craner was saying to him, so she asked Anita Chonk to explain things to him in Punjabi.

5. Mr Singh said he was happy for us to view the CCTV footage but stated he was not sure how the shop's CCTV recorder worked. The CCTV recorder was situated on a high shelf adjacent to the entrance door.
6. Mr Singh stated that the girl who had purchased the alcohol had looked old enough to buy it. He said that the girl's father had later come into the shop and said she had to go to hospital and asked Mr Singh for £50 to cover the cost of medicine that had to be purchased for her. Mr Singh said he had paid £50 to the father.
7. Mr Singh stated that the girl's father had viewed footage of the sale on the shop's CCTV recorder and had taken a photograph of a still image from the video footage. Debra Craner attempted to operate the CCTV recorder but found it was not possible to view the particular footage.
8. I also tried to find the footage by selecting the date and time on the menu on the CCTV recorder but found that the relevant footage could not be accessed, and the images merely kept reverting to current views of the shop. Mr Singh then rang his son and asked him how to operate the CCTV recorder and then tried to view the footage, but he was not able to bring up the relevant footage of the sale to the girl.
9. I then informed Mr Singh that we would need to take the CCTV recorder away for examination and issued Mr Singh with a notice, which I produce as Exhibit GSG/3Jyot/1. I then unplugged the CCTV and placed it in an evidence bag and sealed the bag.

Signed .....

Date .....

10. Mr Singh then stated the girl had only been in the shop for around 10 minutes and had only purchased the cans of alcohol and nothing else. His wife pointed out the particular cans of alcohol that had been purchased. Mr Singh then again said the girl's father had come in to the shop and asked for £50 to cover the cost of medication that he said had to be purchased and had told Mr Singh he would not report the incident.
11. I left the premises at around 15:30 hours and took the CCTV recorder to Arcanum, a provider of digital forensic services, for forensic examination.
12. On 7 December 2022 I collected the CCTV recorder from Arcanum. The CCTV recorder was returned to the shop the same day and was received by [REDACTED], the wife of Mr Singh.
13. On 15 December 2022 I collected an imaged drive and statement from Arcanum.
14. On 20 December 2022 I handed the imaged drive and statement to Debra Craner.
15. On 3 March 2023 I wrote to Gurdip Singh in relation to a premises licence review of 3 Jyot Off Licence. I produce the letter dated 03 March 2023 as Exhibit GSG/3Jyot/2.
16. On 10 March 2023, Mr Singh rang me about the correspondence he had received about the review. I later spoke to Mr Singh's son and told him how to obtain more information about the review process and that Mr Singh could consider seeking independent legal advice.

Signed .....

Date .....

Signed .....

Date .....



## STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;  
Criminal Justice Act 1967, s. 9)*

### STATEMENT OF Nicola Biddle

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

**This statement (consisting of 2 pages) 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.**

**Date:** 5th April 2023

**Signed** .....

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1. I have been employed by City of Wolverhampton Council in an enforcement capacity for the past fifteen years and I am currently employed in the role of Senior Officer: Trading Standards.
2. I hold a Bachelor of Science Honours degree in Consumer and Trading Standards and have been appointed an Inspector of Weights and Measures by the Secretary of State. I hold a Diploma in Consumer and Trading Standards, a Higher Diploma in Intelligence Operations and I am a member of the Chartered Trading Standards Institute.
3. As an Inspector of Weights and Measures authorised under the Weights and Measures Act 1985, at 12:02 hours on 23<sup>rd</sup> February 2023, I instructed a 16-year-old female volunteer to enter retail premises at 287 Willenhall Road and attempt to purchase alcohol on behalf of City of Wolverhampton Council.
4. Upon arrival at the premises, I expected to see the shop name 3 Jyot Off Licence but the name above the shop front was AK Convenience.

**Signed** .....

**Date** .....

5. To ensure the volunteer's safety I walked ahead of her into the shop and was present in the shop as she purchased two cans of Gordon's Pink Gin and Tonic. I heard a small amount of conversation take place between the volunteer and the seller, but I couldn't hear the content.
6. I would describe the person who sold the alcohol to the child as a young Asian male. I noted he appeared to be particularly young, perhaps just 16 or 17 years of age, wore a head scarf with a beanie hat on top, and was approximately 5ft 9" tall.
7. The shop was small and there were no other customers present but there was a lot of chatter between the seller and several other men who were on the doorstep of the shop discussing painting the shopfront and doorframe, one of which I believe was of black ethnic background and the others Asian. Whilst I was in the shop there was a lot of discussion about how to remove gloss paint from a coat and the seller paid little attention to myself or the volunteer.
8. As the volunteer left the shop, I asked the seller if they sold food bags. He didn't seem to understand what I wanted and so I asked for sandwich bags to put your lunch in and hovered by the small range of foil and household items. The young man called to one of the men on the doorstep who came in to briefly look at the section I was stood in front of before saying no. I don't recall what this man looked like, other than he was also a young Asian male. I didn't buy anything and was back in the car at 12:07 hours.

Signed .....

Date .....

STATEMENT OF WITNESS

(Criminal Procedure Rules r16, Criminal Justice Act 1967 s 9)

STATEMENT OF JAMES GRIFFITHS  
AGE Over 18 years  
OCCUPATION Licensing and Compliance Officer

This statement, consists of 4 pages 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.

Date 06 April 2023 Signed  .....

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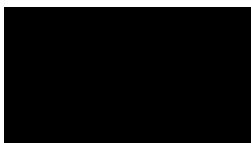
1. I am the person named above. I have been employed by City of Wolverhampton Council since 2019.
2. On 24<sup>th</sup> February 2023 I assisted City of Wolverhampton Trading Standards Service regarding a test purchasing operation. The previous day a volunteer under the age of 18 for the City of Wolverhampton Council had purchased two 250ml cans of Gordons Gin & Tonic 5% ABV from the named premises.
3. At around 11:10 hours on the 24<sup>th</sup> February 2023 I entered the premises called 3 Jyot Off Licence, 287 Willenhall Road, Wolverhampton, West Midlands WV1 2HY. I was accompanied by Dianne Slack, Trading Standards [DS] and Sam Findell, Trading Standards [SF]. [DS] was Lead Officer.
4. There was a young Asian male who appeared to be serving behind the counter. [DS] introduced us and explained the nature of the visit. Moments later another Asian male appeared from a back room. The latter confirmed his name as Gurdip Singh [GS] who we have on record as the DPS and registered holder of the Premises Licence. [DS] asked to see the Premises Licence and

Signed ...  ..... Date 6 April 2023

[GS] handed her a picture frame. I noted that instead of the Summary document being displayed they had in fact displayed the Vary DPS granted letter from October 2022. [DS] advised [GS] to ensure the Licence Summary was displayed. GS stated that he is the licence holder and that he also has another shop in Dudley.

5. [DS] asked me to notebook that there was no Statutory Notice on display near the tobacco and that the gantry to the tobacco cabinet was constantly in the open position. I photographed this as evidence which I produce as **Exhibit JG1**.
6. [DS] explained why we had attended the premises. She inspected the vapes behind the counter [DS] explained that some vapes on sale were 3ml of nicotine per unit but labelled as 2ml which I produce as **Exhibit JG2**. Mr Singh voluntarily signed these over to be destroyed. [DS] told [GS] to shut the tobacco gantry and stated it should be shut at all times except when serving tobacco.
7. [DS] requested the CCTV footage from the previous day (23/2/23). The young man was able to access this on his mobile phone and handed it to me to inspect. He stated that footage is usually kept for 15 days, and [DS] advised that they extend this. I began to watch the footage from 12:00hours, but it became apparent that the time on the CCTV system was incorrect. I requested to look at 13:10 on 23/2/23 because the clock on the system appeared to be approximately 70 minutes fast.

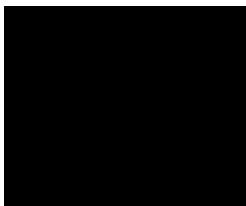
Signed



Date 6 April 2023

8. I located the alleged sale timed at 13:22:40 and made a video recording of this on my office mobile phone. This footage was subsequently downloaded as an Exhibit. [DS] explained that the CCTV footage showed a minor being served alcohol, and that the minor was a volunteer for City of Wolverhampton Council. [DS] asked if they request ID for alcohol sales and the young man stated that they usually challenge customers, and that the sale was an accident because two of them were preoccupied in an altercation outside and his cousin was left behind the counter to mistakenly make the sale.
9. [GS] signed the vapes over and they were sealed in an evidence bag by [SF] using seal No.03545165. [DS] handed over a Traders Notice for the offences of Sale of Alcohol to a minor and No Statutory Tobacco notice displayed.
- 10.[DS] advised that they start using a refusals book for the refusal of tobacco and alcohol sales. I explained why this was important from a licensing perspective and what detail to include.
- 11.[SF] removed a knife and scalpel set and a packet of disposable razors and advised these items were displayed behind the counter. It was also advised that the small bottles containing vodka were moved to an area behind the counter.
- 12.[DS] left a Seizure of Property Notice and Details of Search. She also left a Trader Notice under the Consumer Protection Act and Licensing Act. [DS] advised [GS] to give any staff training with Challenge 25.
- 13.Left premises at 12:40hours.

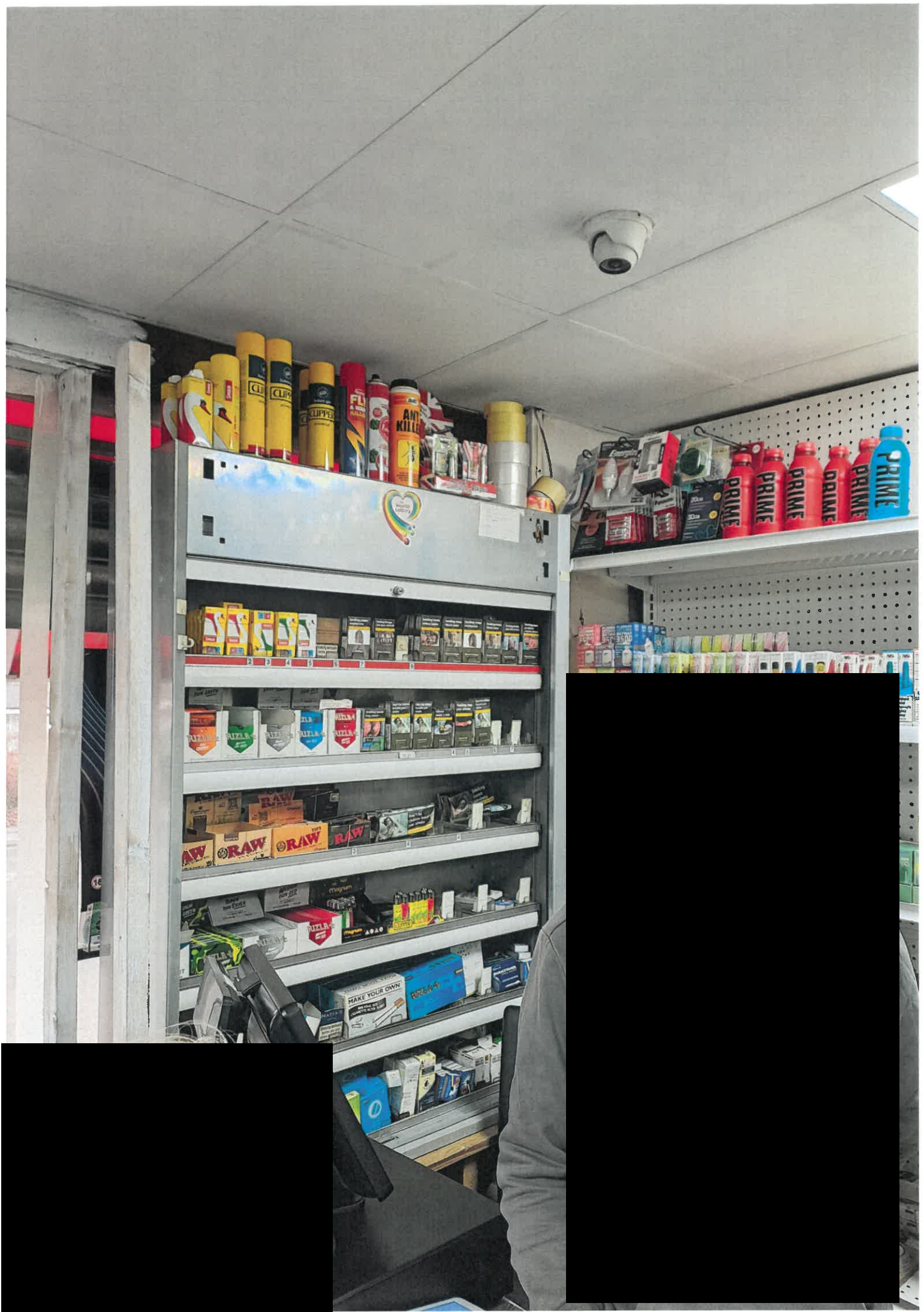
Signed ..



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Date 6 April 2023





J. G. I



PREMIUM E-LIQUID

**IVG**  
—BAR—

*I Vape Great®*  
**PLUS +**

PREMIUM E-LIQUID

*I Vape Great®*  
**PLUS +**

PREMIUM E-LIQUID

*I Vape Great®*  
**PLUS +**

**IVG**  
—BAR—

*I Vape Great®*

**BERRY LEMONADE**  
READY TO VAPE DISPOSABLE

UP TO 800 PUFFS  
2ML E-LIQUID  
20 mg/ml  
500 mAh BATTERY

*I Vape Great®*

**PEACH RINGS**  
READY TO VAPE DISPOSABLE

This product contains nicotine which is a highly addictive substance.

PREMIUM E-LIQUID

**IVG**  
—BAR—

*I Vape Great®*  
**PLUS +**

PREMIUM E-LIQUID

*I Vape Great®*  
**PLUS +**

PREMIUM E-LIQUID

*I Vape Great®*  
**PLUS +**

**IVG**  
—BAR—

*I Vape Great®*

**CLASSIC MENTHOL**  
READY TO VAPE DISPOSABLE

UP TO 800 PUFFS  
2ML E-LIQUID  
20 mg/ml  
500 mAh BATTERY

*I Vape Great®*

**ENERGY ICE**  
READY TO VAPE DISPOSABLE

This product contains nicotine which is a highly addictive substance.



**STATEMENT OF WITNESS**

**(Criminal Procedure Rules r16, Criminal Justice Act 1967 s 9)**

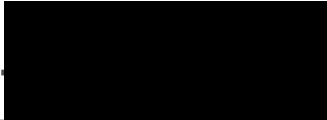
**STATEMENT OF Dianne Slack**

**AGE Over 18 years**


**OCCUPATION Tobacco Control Officer – Trading Standards**

**This statement, consists of 5 pages 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.**

**Date 06 April 2023**



**Signed ...**  **.....**

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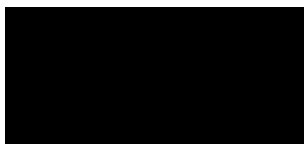
1. I am employed by the City of Wolverhampton Council as a Tobacco Control Officer in Trading Standards. I hold an LLB (Hons) law degree and a Diploma in Consumer Affairs; I am a Chartered Trading Standards Practitioner and a full member of the Chartered Trading Standards Institute. I am an authorised officer for a variety of consumer protection and fair-trading legislation. I have been employed by the City of Wolverhampton Council since 1990.
2. On 23 February 2023, I organised an underage test purchase operation which included a visit to 3 Jyot Off Licence, 287 Willenhall Road, Wolverhampton, WV12HY. I was aware it had the premises licence 22/39195/PREDPS dated 25/10/2022. 

**Signed** 

**Date 6 April 2023**

-  3. I was accompanied by Nicola BIDDLE, Senior Trading Standards Officer, also employed by the City of Wolverhampton Council, and a 16-year-old child test purchase volunteer.
4. The child had no money of her own or identification upon her person. I was present when Nicola BIDDLE authorised the volunteer to attempt to purchase alcohol from 3 Jyot Off Licence. The child was advised that if she was asked her age, she must tell the truth and she could not coerce or persuade the trader to sell her age restricted products.
5. As we drove past the shop, I noticed that the name of the premises was now called AK Convenience Store. I parked nearby and watched as Mrs. BIDDLE entered the shop shortly followed by the volunteer. It was approximately 12 noon. I observed both volunteer and then Mrs. BIDDLE exit the shop premise a short while later. The volunteer entered my vehicle and handed me two cans of Gordon's 250 ml Premium Pink Gin & Tonic, 5% ABV. She told me they were purchased for £4.00. I noticed the price on each can was £1.99. The volunteer informed me that she had been served by a male assistant, described as Asian, young looking, height about 5ft 10" with facial hair. She said she was not asked for identification or her age. 

Signed




Date 06 April 2023

6. I placed the products in an evidence bag, sealed and labelled it. I produce these test purchases as **exhibit DS/1**, signed and dated by me. We continued with the rest of our visits.

7. On the 24 February 2023, I visited 3 Jyot/ AK Convenience Store, 287 Willenhall Road, with James GRIFFITHS, Licensing Officer, and Sam FINDELL, Compliance Officer, also employed by the City of Wolverhampton Council.

8. As we entered, a young-looking man was behind the counter. I introduced myself, Mr. FINDELL and Mr. GRIFFITHS and showed him my identification. This young man identified himself as the son of the owner. I became aware of an older man who said he was the young man's father, owner of the Shop and premises licence holder. I introduced myself to him too. He gave his details as Gurdip SINGH.

9. I asked for permission to inspect the premises for illicit cigarettes and illicit vapes using my powers under the Consumer Rights Act 2015. Mr. G Singh agreed and signed the Code B form that is contained within the Premises Search Book S058 which I produce as **exhibit DS/2**, signed and dated by me.

10. I had noticed when I entered the shop that the cigarettes gantry was open, exposing tobacco products to customers contrary to The Tobacco 

Signed



Date 06 April 2023



Advertising and Promotion (display)(England) Regs 2010. I also noticed that there was no statutory tobacco notice on display contrary to the Children & Young Persons (Protection from Tobacco) Act 1991.

11. I asked to see the premises licence summary. Mr. G Singh produced a photograph frame. The summary was hidden behind a letter from licensing in the frame contrary to S. 57 Licensing Act 2003.

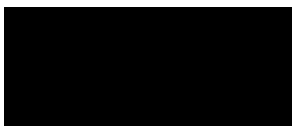
12. Mr. Gurdip SINGH confirmed the shop had changed name and he had moved from his Dudley address that was written on the premises licence to above AK Convenience. He also informed me he had another shop called [REDACTED]. He stated that he had the Wolverhampton shop for 6 months and the [REDACTED] shop for 12 months.

13. During my inspection I discovered eleven IVG (I Vape Great) PLUS+ disposable e cigarettes behind the counter. The packaging said they provided up to 800 puffs, 2ml e- liquid, 20 mg/ml. The storage box stated the nicotine dose as 40mg, nicotine strength 20mg. manufactured in China for ivg premium e liquids.

14. The health warning was correct but by advertising 800 puffs out of each individual device suggests the tank for the nicotine liquid is greater than the permitted 2ml under The Tobacco and Related Product Regulations 2016.

Mr. SINGH claimed that the last trader left them there and handed them [REDACTED]

Signed



Date 06 April 2023

[REDACTED] over to me for voluntary destruction. His stock of other e cigarettes appeared to be legitimate.

15. I asked for the CCTV recordings to be rewound and played back for the previous day at midday. Eventually the relevant footage was found. The son accessed it from his mobile telephone. The timing on the CCTV was 75 minutes fast. The volunteer could be seen picking two cans out of a fridge and approach the counter. The transaction could be seen. Mr. GRIFFITHS recorded the stores CCTV footage using his mobile phone. I recognise this recording as exhibit JG/1.

16. I showed the footage to Gurdip Singh and his son and explained the volunteer was only sixteen and the sale was also witnessed by a trading standards officer. I explained this sale was an offence under S.146 Licensing Act 2003. I asked who made the sale. The son said it may have been his cousin who helped out because there was an altercation outside the shop at that time.

17. Gurdip SINGH was handed a letter with comprehensive Under Age Sales advice on it, I produce a copy of the letter as exhibit DS/3. and a Traders Notice, a copy of which I produce as exhibit DS/4 both signed and dated by me. [REDACTED]

Signed

[REDACTED]

Date 06 April 2023





OFFICIAL: RESTRICTED

Search Book No: S058

CITY OF  
WOLVERHAMPTON  
COUNCIL

# PREMISES SEARCH BOOK

Operation Name / Case Reference:			
Premises Name & Address:	Gurdeep Singh AK Convenience Store 287 Willoughby Rd Wolverhampton		
Date:	11/10/11 - 12/10/11		
Officer in Charge of Search:	D. Slack		
Exhibits Officer:	D. Slack		
Reference Number(s) of Continuation Book(s) Used:			



**CITY OF  
WOLVERHAMPTON  
COUNCIL**

23 February 2023

Gurdip Singh, PLH and DPS  
AK Convenience Store and Off Licence,  
aka 3 Jyot Off Licence  
287 Willenhall Road,  
Wolverhampton  
WV1 2HY

Dear Mr Singh

**22/39195/PREDPS and Trading Standards**  
**Licensing Act 2003,**

Concerns had been raised to Trading Standards alleging underage sales of alcohol from 3 Jyot Off Licence, 287 Willenhall Road, also known as AK Convenience Store and Off Licence. A volunteer under the age of 18 for the City of Wolverhampton Council, purchased two 250ml cans of Gordons Gin & Tonic 5% ABV from your store on the 23 February 2023. The sale was witnessed by a Trading Standards Officer. No attempt was made to ask the young person their age or ask for identification. This volunteer had been asked for identification and had been refused age restricted products at another shop that day.

- The underage sale of alcohol to a child under the age of 18, is a criminal offence and you will be contacted about the sale in due course.

It is essential that you keep within the law and have systems in place that will act as a 'due diligence' defence to an allegation that an underage sale of alcohol, e cigarettes or tobacco products has taken place. You must actively ensure that your systems work. If you do sell age restricted products to an individual who is under 18 you could be prosecuted and fined.

### **An overview of preventing the sale of alcohol to children.**

The Licensing Act 2003 sets out a series of objectives which a licensing authority is required to promote. These are:

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

The 'protection of children from harm' includes preventing the sale and supply of alcohol to children. 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.

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 'due diligence' defence to an allegation that a sale of alcohol has taken place to an individual under the minimum legal age.

If you sell alcohol to an individual who is under 18 you could be prosecuted and receive a fine of up to £5,000. A personal licence to sell alcohol could be at risk. The premises licence can be reviewed which could lead to it being suspended or revoked. Where persistent sales of alcohol to underage individuals take place, the premises licence holder could receive a fine of up to £20,000 or a premises closure notice could be issued.

### **Licensing Act 2003**

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

**SALE OF ALCOHOL TO CHILDREN** - A person commits an offence if they sell alcohol to an individual under 18. A person charged with an offence has a defence available that they believed the individual was 18 or over, and they 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' includes asking the individual for evidence of their age, and that the evidence obtained would convince a reasonable person.

Where a person is charged with an offence due to the conduct of someone else - a member of staff for instance - they have the defence that they exercised all due diligence to avoid committing it. A person found guilty of an offence could receive a fine of up to £5,000.

**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. A person found guilty of an offence could receive a fine of up to £5,000.

**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. A person found guilty of an offence can be given a fine of up to £20,000. The enforcing body can use as evidence previous convictions, cautions and fixed penalties relating to sales of alcohol to individuals under 18.

An enforcing body can apply for a closure notice, which prohibits the sale of alcohol at the premises, as an alternative to prosecution, and 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. In addition, the licensing authority can review the licence and has the power to suspend or revoke the

licence. Other licensable activities and non-licensable activities are not affected by this suspension order.

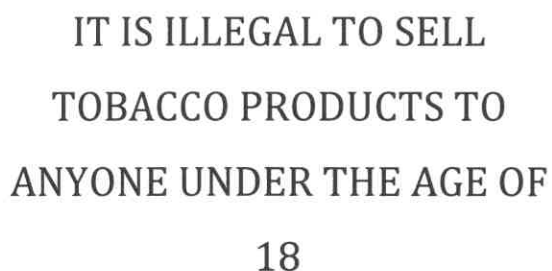
### **An overview of preventing the sale of tobacco products to children.**

The laws that apply are the Children and Young Persons Act 1933, the Children and Young Persons (Protection from Tobacco) Act 1991.

Under this legislation it is an offence for any person to sell cigarettes, tobacco/nicotine products (including shisha and VAPES) or cigarette papers to anyone under the age of 18 years. The penalty on conviction is a fine of up to £2,500. If this requirement is breached, the member of staff who made the sale and the owner of the business can be held responsible.

You must only sell cigarettes in quantities of at least twenty and in their original packaging. It is an offence to split a pack and to sell in lesser quantities. The penalty on conviction is a fine of up to £1,000.

You must display a notice that states: The notice must be displayed in a prominent position readily visible at the point of sale of the tobacco at every retail premises that sells tobacco. The notice must be no less than 297mm x 420mm (A3, or twice the size of this page) and the characters must be no less than 36mm in height.



IT IS ILLEGAL TO SELL  
TOBACCO PRODUCTS TO  
ANYONE UNDER THE AGE OF  
18

### **Display of Tobacco Products**

Under the Tobacco Advertising and Promotion (Display) (England) Regulations 2010, you are required to cover your display of tobacco products. It is an offence to display tobacco products unless a specific request to purchase tobacco has been made to you by a person over the age of 18. It is NOT an offence to display tobacco-related accessories such as cigarette papers. There are also strict requirements relating to the manner in which tobacco products are price-marked. Only three types of tobacco price display are permitted: -

a) Poster style lists (up to A3 in size), which can be permanently on show. The law sets out that these must not exceed 1,250 square centimetres: A3 sized paper falls within the legal-size limit.

b) A list including pictures of products, which must not be left on permanent show, but which can be shown to any customer aged 18 or over who asks for information about tobacco products sold.

c) Price labels, which can be placed on shelving, storage units or tobacco jars. One price label is permitted for each product either on the covered shelf where the product is stored or on the front of the storage unit.

All types of price list or label must use black Helvetica plain font, in the same size throughout the text. All letters must be in lower case, except for first letters of words where appropriate. No underlining, italics, bold type, or any other distinguishing emphasis is allowed. The background must be white. No other colours for either the wording or the background are allowed. The only information that can be given about tobacco products is:

- the brand name of the product
- the price of the product
- if pre-packed, the number of units in the packet, or if sold by weight, the net weight of the product
- for cigars only, the country of origin and dimensions (for example, length and ring gauge)
- for pipe tobaccos only, the cut and type of tobacco used

Detailed guidance can be found at <http://tinyurl.com/zkvmhds> or use QR Code.



If you employ children in your business, it is not illegal for them to sell tobacco products, provided of course that the customer is not under 18. However, leaving

unsupervised children selling tobacco is not recommended as they may find it difficult to refuse to sell to their own age group

### Cigarette lighter refills

Under the Cigarette Lighter Refill (Safety) Regulations 1999 it is an offence to supply any cigarette lighter refill canisters containing butane to anyone under the age of 18. This is because of the potential for abuse by 'sniffing' the gas, which can be extremely dangerous.

### Persistent sales of tobacco to persons under 18

The Criminal Justice and Immigration Act 2008 is the law that deals with incidences of persistent sales of tobacco to persons under 18. If at least two offences of selling tobacco to a person under 18 have occurred within a period of two years, trading standards can make an application to a Magistrates' Court for a restricted premises order and/or a restricted sale order. A restricted premises order prohibits the sale, from a specified retail premises, of tobacco products to anyone for a period of up to one year. A restricted sale order prohibits a specified person from selling tobacco products to anyone and from having a management function. Even where the due diligence defence is not available, it is recommended that the guidelines below be followed as best practice.

### **Keeping within the law**

You must ensure that you and your staff take all necessary steps to avoid committing an offence. To actively demonstrate this, you should have a 'due diligence' system in place. Even where the due diligence defence is not available, it is recommended that the guidelines below be followed as best practice.

**CHECK THE AGE OF YOUR STAFF MEMBERS (alcohol)** -The premises licence holder, designated premises supervisor, or other responsible person over the age of 18, 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.

**KEEP A RECORD OF TRAINING** - It is advised that the legislation is brought to the attention of all staff via regular training. It is important that you can prove that your staff



members understand 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.

**AGE VERIFICATION POLICY AND SYSTEM** - You should have an age verification policy in place. Always ask young people to produce proof of their age. Trading standards services and the government support the national Proof of Age Standards Scheme (PASS). You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age. There are a number of card issuers in the scheme, the website [www.pass-scheme.org.uk](http://www.pass-scheme.org.uk) has more information. Card issuers may supply material for you to display in your shop, telling young people where they can obtain a card. This way, if you have cause to refuse a sale, you can give youngsters some positive information. Photo driving licences and passports are also acceptable as proof of age.

If there is still doubt, the sale should not be allowed to take place. As a teenager's appearance does not always correspond with their actual age, it is advised that staff challenge anyone who appears to be three years older than the permitted age, for example, under 21 if buying products that can only be sold to those aged 18 or over, such as alcohol. Training/testing on appropriate ID and displaying examples of these is also recommended. This has now been extended by many retailers to a scheme that requests verification of age if they appear under the age of 25.

**HAVE A REFUSAL BOOK** - All refusals should be recorded on a refusal sales sheet or a refusal book. Some tills have a refusals system built in. Maintaining a refusal log will strengthen a case for due diligence. Logs should be checked by the licensee to ensure that all members of staff are using them. A refusal log should contain, as a minimum, the following information: -

Date	Product	Time	Name of Person or Description	Observations	Staff Member
Example: 04/05/09	4 cans of lager	7:10 pm	Male 14 years? Blonde, 5ft 11"	Nervous and refusing to show ID	Allan Smith

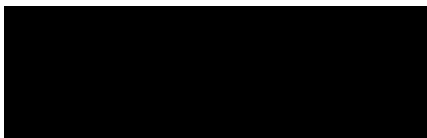
Logs should be periodically checked by the licensee/retailer to ensure that all members of staff are using them. If you possess an electronic point of sale till system, it may be possible to use it to remind staff via a prompt.

POSTERS SHOWING AGE LIMITS SHOULD BE DISPLAYED – these should contain a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to members of staff. Please download at <http://www.challenge25.org/downloads.html> if you do not have one.

**Your premises will be subject to another test purchase by a young person under the age of 18 in the future.**

This guidance is taken from information issued by the Chartered Trading Standards Institute and should be shared with all members of staff, managers, owners and proprietors.

Yours sincerely



**Dianne Slack**

**Tobacco Control Officer**

Trading Standards Service

Direct:



Email:

@wolverhampton.gov.uk

CITY ENVIRONMENT  
REGULATORY SERVICES  
CIVIC CENTRE ST PETER'S SQUARE  
WOLVERHAMPTON WV1 1QA  
Telephone (01902) 551155

00514

CITY OF  
WOLVERHAMPTON  
COUNCIL

TO: [Redacted]  
[Redacted]  
[Redacted]

Enquiries to: [Redacted]  
Direct Dial (01902) [Redacted]  
Date: 2-12-23  
Page 1 of 2

Your attention is drawn to the following matters.

Common Prohibited Act 1987  
Section 1(1) 1987  
Technical & Material Provisions 1987  
Children & Young Persons (Protection of Tobacco) 1991  
1987 Act 1987

- 1. Today I received the following goods for inspection:
  - (1) Three boxes of batteries which are displayed
  - (2) One box of batteries which are displayed
  - (3) One box of batteries which are displayed

Received by: [Redacted]  
Name: [Redacted]  
Position: [Redacted]

Trading Standards  
Authorised Officer

Green copy File Copy



OFFICIAL RESTRICTED

Search Book No: 5058

CITY ENVIRONMENT  
REGULATORY SERVICES 00815  
CIVIC CENTRE ST PETER'S SQUARE  
WOLVERHAMPTON WV1 1DA  
Telephone (01902) 551155

CITY OF  
WOLVERHAMPTON  
COUNCIL

TO

Enclosed to

Direct Dial (01902)

Date

Page

Your attention is drawn to the following matters

Received by

Name

Position

Trading Standards  
Authorised Officer

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