

# TAB 5

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**WITNESS STATEMENT**

(Criminal Justice Act 1967 Section 9, Magistrates Court Act 1980, Section 5B  
and Criminal Procedure Rules, Rule 27.2)

Statement of: Chris Burnett

Age (if under 18): Over 18

Occupation: Principal Licensing Officer

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This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated 11<sup>th</sup> December 2018

Signature ..... 

Witness .....  
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I am the principal Licensing Officer employed by Rotherham MBC.

Further to my statements in relation to the Today's Local premises in Rotherham, I now add the following.

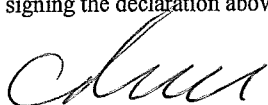
At approximately 0830hrs on Tuesday 11<sup>th</sup> December 2018, I attended at Today's Local, 6 Upper Millgate, Rotherham, in order to conduct a check in preparation for the pending Licence review.

The male in charge at the premises was a man who I know to be called RAM who is the DPS.

I immediately noticed there were a small quantity of boxes stacked up by the rear fore door. Whilst the boxes were not directly in front of the door, they were adjacent to it in the hallway and clearly restricting the passage of persons should they wish to exit

(In addition to signing the declaration above, the witness must sign the statement at the end of the script on each sheet)

SIGNED



WITNESSED

hastily. I have advised the premises many times previously regarding the blocking of the fire exits and I again advised RAM they boxes must be removed forthwith. He proceeded to remove the boxes and stated they had just had a delivery.

I then asked which staff were currently employed at the premises. RAM mentioned the name Vicri. I did not recognise that name and I asked who he was. RAM advised me he had been employed very recently, but could not tell me his name. I asked to see the staff training records. As I was doing so, another member of staff, Michelle Walker arrived at the premises to start work. I asked her how long Vikri had been employed. She advised me he had been there a few weeks.

I was then handed the staff training records for VICRI.

I have copied the records and they are exhibited at TAB 5.

The records clearly show a signature dated 15<sup>th</sup> October and there are a number of questions which had answers written in pen. I asked RAM who did the training. He stated he did it together with another member of staff called Ewan. I asked who had written the answers. He stated it was Ewan who had written the answers as Vicri was unable to write.

I then asked why the questions had not been marked and also why there were no signatures other than Vicri's. He was unable to answer this.

I advised him I was not satisfied that the training had been properly carried out. He was unable to comment further.

Copies of the pages are produced at TAB 5.

A handwritten signature in black ink, appearing to be 'Ams' or similar, written in a cursive style.

(In addition to signing the declaration above, the witness must sign the statement at the end of the script on each sheet)

SIGNED

WITNESSED

Kingdom

In case of emergency please contact

E0456143

RESIDENCE  
DOCUMENTATION

UKF 0958263

Name PALANIAPPAN,  
VIGNESWARAN

Document Renewal Date

Place, Date of Issue  
LIVERPOOL, 08 JUL/JUIL 17

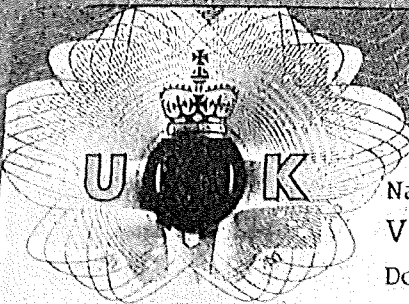
Type Of Document Registration  
Certificate

Remarks



16 NOV/NOV 70

M  
ITA







Authority to sell alcohol

I, ..... being a Personal Licence holder, hereby certify that

.....  
has received training in licensing law, company policy and their responsibilities when selling alcohol.

I therefore authorise..... to sell alcohol by retail for consumption off the premises at .....

Signed .....

Print Name .....

Dated .....

I, ..... am aware of my responsibilities with regard to licensing law. I understand that I am authorised to sell alcohol.

Signed ..... 

Print Name ..... P. VIGNESWARAN

Dated ..... 15-10-2018

### On Licence Quiz

1 – Using column 1, in the table below list, all the people/ entities who are committing an offence for serving alcohol to a person under the age of 18. (Not including the person under 18)

1 – Offenders	2 – Consequences
Cashier	on the spot £90 Penalty.
The owner of the business	Fine is £5000
Premise Licence holder	Suspension of Licence

2 – Using column 2, in the table above, list the corresponding consequences of selling alcohol to a person under 18, for each of the offenders you have previously listed.

3 – What is meant by the term 'Proxy Sale'?

Adult is purchase alcohol on behalf of an under

4 – If a Premises Licence is reviewed what are the possible outcomes?

Removal of the (DBS) Designated Premise Sup

5 – What is the definition of 'persistently selling' for an underage sales offence?

A sale on two or more occasions within 3 m

6 – What are the possible consequences for a person who sells alcohol to a person drunk?

£90 PND / Fine of up to £1000 if it is 90



9 – Explain the Challenge 25 Policy (including what it is; when it is used and why).

No ID No Sale.

ask 27 under 25 year old.

10 – Refer to page \_\_\_\_ of the Guess the Age Quiz Booklet.  
(no marks awarded for this part of the question)

a) face b) hand c) body language d) \_\_\_\_\_ e) \_\_\_\_\_

What policy would you apply to these customers and which ones would you challenge?

challenge 25

12 – You ask a colleague if you should serve your customer, who has no ID, and they tell you to go ahead. You've just served an underage volunteer working with the Police. Who has committed the offence and what will happen?

\* asked Age & date of Birth.

\* the trainer is responsible or owner is responsible.

3 – A customer provides their UK photo driving licence as ID. You check the date of birth and photo, what else must you check before making the sale?

match the date of birth, and photo.

and acceptable proof.

– Give two examples of ID you CANNOT accept.

bus pass.

college card.

A drunken customer produces their UK valid passport as ID. What would you do?

if clearly talking & walking, breath are suspicious  
Should refuse

When provided with unacceptable ID, how would you refuse the sale?

be polite and professional say can't bring accept



13 - List the forms of ID your premises is allowed to accept.  
UK photo driving licence, Passport, Passcards

14 - What would you do if a customer had no ID; unacceptable ID or was drunk?  
need to write the refusal book.

15 - Explain how you would refuse a sale.

Be Polite and professional, stay calm, apologise.

16 - Explain what you would do if a customer gets aggressive.

use relaxed body language, avoid prolonged eye contact  
Keep barrier between me. ask for management support  
call the Police.

17 - What should you do once you've refused a sale on the basis of no ID or being drunk?

Record the refusal book.

18 - Where should the Refusal/ Challenges Book be located?

always easy to reach the staff.

19 - What is one of the first things you should do when you start a shift on the till?

check entries in the refusal/ challenge Register  
identify customer who attempted to purchase alcohol

20 - You are serving a customer who orders a number of alcoholic drinks, what would you do before making the sale?

check if there are any <sup>sale for</sup> underage large group.

21 - The customer referred to in Q20 is accompanied by friends who look under 25 and are all able to show you ID, what would you do?

no more than one alcoholic drink a person who is  
over 18.

Explain the circumstances when alcohol may be consumed by a 16/17 year old and how it can be supplied.  
the adult person accompanying with the under  
for example eat, drink.

23 – List 3 of the Social Responsibilities you should always have in mind when working in the retail of alcohol.  
avoid illegal or anti social behaviour, sexual, physical men  
financial support, violent.

24 – What signs can help you decide whether a customer is drunk? (Give at least 2 examples)  
unsteady feet, slurred speech, smell, red eyes.  
Rowdy behavior, dropping things, over emotion

25 – What is the recommended daily allowance of alcohol for:

Men 3-4 units

Women 2-3 units

Under 18s 0 units

26 – How many units are there in the following drinks?

Pint of lager (5.2% ABV) 3 units

Glass of wine (175ml) 2.1 units

27 – What should you do if you suspect drug use/ supply on your premises?

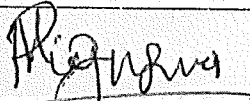
inform to the police with the CCTV evidence.

28 – Name the Designated Premises Supervisor (DPS) for your premises.

29 & 30 – Provide the location of the following documents:

Premises Licence

Written Authorisation (for you to sell alcohol)

Score (out of 30)	Date completed	Staff Signature	Trainer name (Print)	Trainer Signature
				

Full score is the expected pass mark. A re-sit will be required if not achieved.



## On Licence Quiz

1 - Who commits an offence for serving alcohol to a person under the age of 18?

cashier.

2 - What is the consequence of you selling alcohol to a person under 18?

£90 Penalty.

3 - What is the term used to describe when an adult buys alcohol for an under 18 and in what circumstance is this not an offence?

Proxy Sale.

4 - What can happen when a Premises Licence is reviewed?

Suspension of the Licence.

5 - What happens if you're caught selling alcohol to under 18s at least twice in 3 months?

Fine up to £1,000 Pounds. it'll go to court.

6 - Who can receive a fine of up to £1000 for making/ allowing service to a drunk person?

the Premises owner.

- Who can receive the £1000 fine for allowing the use/ supply of drugs on the premises?

underage / helping to buy underage.

How will a criminal record affect your future?

mortgage, health care, Educational, travelling, Insurance, jobs.



7 – What are the possible consequences for a person who allows the production or supply of any controlled drugs to take place in a premises?

Prison up to 12 months / Fine up to 2,500

8 – If you commit any relevant licensing offences and end up with a criminal record, what are potential problems this could cause you in the future?

insurance, Mortgage, Future education, healthcare, restriction on travel

9 – Explain the Challenge 25 Policy (including what it is; when it is used and why).

Any one who come to by alcohol should be asked ID.

10 – Refer to page \_\_\_\_ of the Guess the Age Quiz Booklet.  
(no marks awarded for this part of the question)

a) Face b) hand c) voice d) style e) body language

What would you have done when faced with these customers?

mystake, beard

11 – What other considerations should you draw on to help you assess someone's age?

ask age & ask ID

12 – When a customer produces a proof of age document, what would be the first thing you do; what would you check and why?

check date of Birth & photo matches



17 - You have just refused a sale and the customer gets aggressive. What can you do?

keep the distance between me to the customer  
talk calm, call the management assistance,  
call the police.

18 - You have been provided with acceptable ID and can make the sale. Apart from making the sale what else should you do?

no more <sup>sale</sup> the women & men units, ~~ask~~

19 - If your premises operates a Refusal/ Challenges Book where should it be located?

easy to reach for all staff.

20 - What should you do if you feel uncomfortable asking for ID?

ask age, and date of birth, then face,

21 - You have served alcohol to a person on behalf of a group, which is made up of adults and under 18s, what should you do next?

Inform to the police.

22 - The person from Q21 has passed alcohol to a suspected under 18 year old, who is not eating a table meal, what can you do?

Speak with the person.

23 - A 16/17 year old is allowed alcohol when eating a table meal. Which alcoholic drinks are they allowed to have and how must it be supplied?

Wine 2.1 unit.

24 - List 3 of the Social Responsibilities you should always abide by when working in a

women  $\Rightarrow$  2-3 unit.

men  $\Rightarrow$  3-4 unit.

under 18  $\Rightarrow$  0 unit.

Statement of Teresa Kenny

On behalf of the claimant

Dated 11<sup>th</sup> December 2018

IN THE SHEFFIELD COUNTY COURT

Claim No.

Between:

ROTHERHAM BOROUGH COUNCIL

Claimant

And

Defendant

Today's Express

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WITNESS STATEMENT OF  
Teresa Kenny

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1. I am a Police Constable serving with South Yorkshire Police, currently Posted in the Anti-Social Behaviour unit with Rotherham Borough Council.
2. From records I have access to, in relation Today's Express, Upper Millgate, Rotherham Town Centre, I can confirm that,
3. On 3<sup>rd</sup> November 2018 at 20.46pm staff from the shop contact police. A male who had been sat on the benches outside had walked into the shop and thrown a knife on the floor. He had picked it up and then gone and sat outside again on the benches
4. On 7<sup>th</sup> November 2018 at 15.31pm, staff from Malcolm C Foys contact police. There is a group of 4-5 males and a female sat on the benches drinking alcohol. They are shouting and swearing and disturbing their customers. They do not want to go out and ask them to stop as the previous day the same group had been very aggressive towards them
5. On 11<sup>th</sup> November 2018 at 20.26pm, a member Today's staff calls police. They state that someone is setting off fireworks near the church. They are asked for further details and descriptions but the caller states they have to go and serve customers so cannot offer any more information
6. On 14<sup>th</sup> November 2018 at 16.25pm, police receive an abandoned 999 call. On calling the number back it is Today's Express who have detained a female

stealing alcohol. They had retrieved the cans and the female was already barred from the store

7. At 18.55pm on the same day Todays Express, contact the CCTV room repeatedly asking for camera room but not stating why. They finally state they had issues with a customer but they had now left
8. On 24<sup>th</sup> November 2018 at 21.58pm, a member of the public reports an attempted robbery. They had been on Upper Millgate and two males had been fighting outside Todays Express. One of the males has then approached the victim asked him for money and then punched him to the ribs and shoulder. The victim has run away and got on a bus and reported the incident to police. He describes the offender as being "very much in drink"
23. I believe the contents of this statement to be true and I understand it may be placed before the court as evidence.

Signed .....



..... Date .....

11/12/18

.....

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


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Statement of Luke Thomas Bugdol.....

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Police Constable 1724 .....

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.

Signature  (witness) Date: 10-12-18Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Police Constable with South Yorkshire Police currently stationed at Riverside House, Main Street, Rotherham.

On Tuesday 13<sup>th</sup> November 2018, I was on duty in full uniform and in a marked police vehicle in company with colleagues when we were requested to attend an incident within Rotherham Town Centre where a number of young persons had been seen Free Running on the roofs of business premises.

While colleagues were speaking with a male I had located I was stood on Upper Millgate outside the Todays Express store, while there I was approached by a well know female Town Centre Drunk. The female was unsteady on her feet, her eyes were glazed and her speech was slurred and I could smell intoxicants on her breath, I formed the belief she was drunk.

The female asked me not to seize her alcohol, as she was just going home, but before she did this she was going to get some more, I advised the female that as long as she caused no issues and left the area I wouldn't seized her single can of alcohol which was unopened.

The female then left her can of alcohol, which was in a bag but clearly visable, on the bench outside Todays Express and entered the shop. As I was stood directly outside the entrance to Todays Express I could see

Signature:  Signature Witnessed by: .....



Continuation of Statement of: Luke Thomas Bugdol

Page 2

within, I observed the female walk down the aisle to the far end, she selected a can from the shelf area and approached the till area.

The staff member behind the counter was a lone male worker who appeared to be Asian in appearance and appeared to be speaking with the female who was the only person in the shop. Once I had formed the belief, the shop assistant was going to serve the female alcohol I entered the store and using a raised voice said the following:

1724 – "I hope you're going to confirm the female isn't drunk prior to serving her and committing an offence"

I then turned around and exited the store, once outside I again watched while the assistant then refused to serve the female. The female then exited the store and stated "He's not fucking serving me beer because of you", she then collected her belonging from the bench and left the area.

I was satisfied that the shop assistant was going to serve the female due to his actions and the fact he was trying to scan the item she had placed on the till area.

Signature:  Signature Witnessed by: .....