

Witness Statement

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

URN:

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Statement of: Laura Warner**Age if under 18 (if over insert "over 18"):** Over 18**Occupation:** Police Licensing Officer
C0900

This statement (consisting of2..... Pages(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: Laura Warner**Date:** 12/04/2017

The following statement details the Test Purchase operation conducted by Thames Valley Police on the 17th February 2017. Specifically in relation to one of the failures at WISLA SUPERMARKET (formerly known as Kidlington Local) 12 The Parade, Kidlington OX5 1EE.

I am Thames Valley Police Licensing Officer (shoulder number C0900), currently stationed at HEADQUARTERS SOUTH in KIDLINGTON. I have been employed in this capacity since 14th July 2008. Part of my responsibilities in my role include the enforcement of the Licensing Act 2003 and due to this I organise and conduct test purchase operations. Part of my remit is to cover the Cherwell District Council area. Included within this area is 12 The Parade, Kidlington. This premise is currently trading under the name WISLA SUPERMARKET but previously has been trading under another name which was KIDLINGTON LOCAL.

On the 17th February 2017 a Test Purchase operation was carried out in the Kidlington Area. As part of this operation an undercover officer enter the premise to witness the sale, followed by a 15 year old male. The 15 year old selected 4 cans of Budweiser (4.8% vol) and approached the till area. This alcohol was served to the young male without any form of ID being asked for. The youth exited with the alcohol and handed it to myself.

I then entered the premise with a local neighbourhood officer and an officer from Cherwell District Council. The undercover officer pointed out the person who made the sale and then exited the premise. The person who made the sale was the Premise Licence Holder Mr Soran SALIH. Due to Mr SALIH not being a personal licence holder it was deemed appropriate to issue a fixed penalty notice of £90.

Whilst conducting the checks on the premise to establish what provisions they put into place to prevent under 18's from purchasing alcohol we discovered the following which I advised them to correct in my letter dated 21st February 2017:

- The premise had a till prompt that reminded them about Challenge 25 but there were no Posters or signage on display within the store. I advised them to rectify this by obtaining posters and displaying them in appropriate places throughout the store.
- My advice on the night and in my letter was also that all staff working at the premise are re trained in Challenge 25 and that a written record of this training is kept and signed by all members of staff.
- It was also noted on the evening that the Designated Premise Supervisor (DPS) Caroline Vinatzer. No longer worked or had any association with the premise and therefore was not contactable. It was stressed to the premise that a DPS change should be received by Monday morning or the premise would be unable to sell alcohol until such a time that a DPS was in place.

Signature: Laura Warner**Signature Witnessed by:** N/A

Witness Statement

Continuation of Statement of Laura Warner

- It was also noted that the premises had changed its name to which the Police and the Licensing authority had not been notified. Mr SALIH was informed this also had to be changed as soon as possible.
- During the issuing of the ticket it was also noted that Mr SALIH gave a different address for the fixed penalty notice to that which was on the licence. Again he was told that this needed to be rectified as soon as possible.

Thames Valley Police received the DPS change to Monika Baranowska, Change of premises name to Wisla supermarket and an update to Premise Licence Holder (PLH) address to 12 The Parade Kidlington on the 3rd March 2017.

LW1 – Letter after test purchase failure

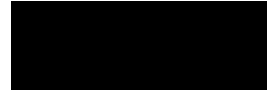
LW2 – Copy of the premises licence

Signature: Signature Witnessed by: N/A



Laura Warner
Licensing Officer
Thames Valley Police
HQ South
Kidlington
OX5 2NX

Tel:



laura.warner@thamesvalley.pnn.police.uk

Soran Salih
Wisla International Store
12 The Parade
Kidlington
OX5 1EE

21st February 2017

Dear Sir/ Madam,

Wisla International, The Parade, Kidlington Premises Licence Number 0595

On the evening of 17th February 2017, a Test Purchasing Operation was carried out by Thames Valley Police, in Kidlington.

Unfortunately your premises failed the test, and alcohol was served to a male, aged fifteen years old. 4 cans of Budweiser (4.8% vol) were sold by a member of staff.

It is an offence under the Licensing Act 2003, sections 146 – 147, to sell or allow the sale of alcohol to anyone under the age of eighteen years. The penalty for this can be up to £5000 fine.

The offence committed on the evening of 17th February was dealt with via a Fixed Penalty notice of £90 to the person who made the sale. At this time, the Police will not seek a prosecution against the Designated Premises Supervisor (DPS), Caroline Vinatzer. However, the Licensing Authority at Cherwell District Council will be informed of the offence.

As this is the first occasion that the premises have failed a Test Purchase, it can now be seen that this is an initial warning, and that any future failures will be met with a more robust response. This will in the form of an Application to Review the License and/or a prosecution under the Licensing Act 2003.

It was suggested on the night that a challenge 25 policy is put into place this includes posters. That all staff are retrained and that this training is recorded and signed by each member of staff. Whilst at the premise it was noted that the DPS was incorrect and that this had not been updated. That the premise licence holder had changed address without informing the council of this and that the name had not been changed on the licence.

If you have any questions or comments about the Operation, please contact the Thames Valley Police Licensing Office.

Yours sincerely

Laura Warner
Licensing Officer
Oxfordshire BCU
Thames Valley Police

THAMES VALLEY POLICE

Division/Station : Licensing Department, Hq South

From : Laura Warner
Licensing Officer

To : Licensing Department
Cherwell District Council

Ref : Application for review of Wisla Supermarket Date : 20 October 2017 Tel.No. 01865

541850

Subject :

Supporting evidence in review called by Trading Standards.

I am writing to formally present Thames Valley Police's support for the calling of this review against WISLA Supermarket 12 The Parade, Kidlington, OX5 1EE.

On the 17th February 2017 a Test Purchase operation was conducted in the Kidlington area. This premises failed that test purchase and a number of inconsistencies were noted with the licence. These included the DPS no longer being employed by the premise, the PLH no longer lived at the address on the licence and had failed to notify the licensing authority, the premise had changed its name. Full details of the test purchase failure as well as advice that was given on the night are included in the MG11 attached to this document. Also included is the letter sent to the PLH and DPS after the test purchase failure.

On the 3rd March Thames Valley Police received notification of a change of premises name, a change of DPS and an update to the PLH address details.

A further test purchase was conducted on the 2nd June 2017 the premise passed this stating No ID No Sale but had still not put a refusal log in place.

Thames Valley Police fully support the conditions proposed by Trading Standards but would like to adapt the CCTV condition to state:

A CCTV system shall be installed or the existing system maintained which is fit for the purpose. The system will incorporate a camera covering each of the entrance doors and capable of providing an image which is regarded as 'identification standard.' The CCTV system shall incorporate a recording facility which shall be retained and stored in a suitable and secure manner for a minimum of 30 days. A system shall be in place to maintain the integrity of the recorded image and a complete audit trail maintained. The system will comply with the Data Protection Act 1998 and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. Any reasonable request by any relevant authority under the licensing act to view or provide a copy of CCTV will be complied with in a timely manner.

Regards
Laura Warner
Licensing Officer
Thames Valley Police.