



APPENDIX 2

**KENT COUNTY COUNCIL - TRADING STANDARDS
STATEMENT OF WITNESS**

Statement of (full name): Clare Michelle Hooper

Age of Witness: 33 Date of birth: 2nd June 1979

Occupation of Witness: Trading Standards Officer

This statement (consisting of one 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.

Signed. *chooper* Date *27/03/2013*

I am employed by Kent County Council as a Trading Standards Officer for the Trading Standards Department, working from the West Kent Area Office, which is currently located at 8 Abbey Wood Road, Kings Hill, West Malling, ME19 4YT. On Thursday 1 November 2012 I visited a shop called Capitol Express, located at 11 Snowdon Parade, Snowdon Avenue, Maidstone, ME14 5SN. I spoke to Mr Ferhat Ok, who told me he was the director of Erna Ltd trading as Capitol Express. The visit included advice on preventing the underage sale of age restricted products, such as tobacco and alcohol. At the time of my visit the shop displayed a Challenge 25 poster, but did not display a tobacco notice. Mr Ferhat Ok informed me they did not keep a refusals log, which is a record of attempted, but refused, purchases of age restricted products. I advised Mr Ferhat Ok to keep a refusals record and that I would send a training folder and a tobacco notice in the post. The advice I provided on the visit was summarised in a hand written notice which Mr Ferhat Ok signed, before I gave him a copy of the notice near the end of the visits. I produce and identify this notice uniquely referenced TS 2659 as CH/CapitolExpress/01. Following my visit to Capitol Express I sent Mr Ferhat Ok a letter dated 19 November 2012. The letter was about the sale of age restricted products, a copy of which I produce and identify as CH/CapitolExpress/02. *chooper 27/03/2013*

Signed. *chooper* Date *27/03/2013*

CH/CapitolExpress
/01

1.15pm

Business Name CAPITOL EXPRESS	Legal Entity ERNA LTD
Address 11 SNODDOWN AVENUE	
Postcode ME14 5NS	Telephone Number

During the course of a visit to your premises the following points were noted.

I recommend:

1. Follow a challenge 2s (posters displayed)
2. Keeping a refusal book
3. You tell staff its a criminal offence to sell to under 18's and trading standards may test them.
4. You must display a tobacco notice. (I will send one)

Please contact me if you have any questions.

Failure to follow the advice outlined above as being a legal requirement may lead to you breaching the law and facing legal action.

Issued by (please print name) CLARE STRONG	Officer Number 237	Telephone number 01732 525291
Signed <i>Clarke</i>	Dated 1/11/12	
Received by (please print name) FERHAT OK	Position OWNER / DPS	
Signed <i>Ferhat</i>	Dated 1/11/12	

Reference Number
TS 2659

Data Protection Act
Any personal information provided will be processed in accordance with the requirements of the Data Protection Act 1998

1.30pm

CPD 09778/SR

CH/CapitolExpress
/02



Mr Ok
Capitol Express
11 Snowdon Parade
Snowdon Avenue
Maidstone
ME14 5NS

W TRADING STANDARDS
West Kent Area Office
17 Kings Hill Avenue
Kings Hill
West Malling
Kent ME19 4UL
Tel: 01732 525291
Fax: 01732 525319

Website: www.tradingstandards.gov.uk/kent
Email: clarem.hooper@kent.gov.uk
Ask for: Clare Hooper
Ref: CH/358931
Date: 19 November 2012

Dear Mr Ok

Age Restrictions – Licensing Act 2003

I am writing further to my visit to you on Thursday 1st November 2012, about the sale of age restricted products. The visit included a discussion on the following:

1. Challenge 25 Policy

This is where anyone who appears under 25 should be asked for valid proof of age before being sold age restricted products, as this provides a clear margin of error when judging a young persons' age.

At the time of my visit, a Challenge 25 policy was in place with 'Challenge 25' posters being displayed.

2. Staff Training

Everyone who serves customers must be trained. Training includes anything you ask your staff to read or what you discuss with them.

A training folder is enclosed. I recommend everyone who serves customers to read the information in the folder, drawing particular attention to the sections on Challenge 25 and Making the Refusal. I recommend you sign and date any information you read and ensure anyone working or helping out do the same.

3. Keeping and Monitoring a Refusals Record

At the time of my visit no refusals record was being kept. An example refusals log is enclosed.

A refusals record is recommended to be made for any type of refused sale. This includes if the buyer is drunk or is supplying alcohol to persons aged under 18.

A refusal record should be monitored, preferably by the DPS, to ensure all people who serve customers are making and recording refusals. It is also recommended that monitoring checks are recorded. If any issues are identified by the monitoring, the staff members involved should be informed and retrained, with a record made of the corrective action taken.

4. Checking Proof of Age

Only valid proof of age, which displays a picture of the customer, should be accepted. I would recommend that you only accepted photo driving licences, passports or proof of age cards which display a 'pass' hologram. Photocopies must not be accepted.

5. Trading Standards Enforcement

Trading Standards Authorities, including this Service, make test purchases of various age restricted products using volunteers under the relevant legal age. This means that any business may be tested in this way. It is a criminal offence to sell to a volunteer.

Trading Standards have been involved in various projects about the sale of age restricted products, with all types of businesses. These projects have identified a number of reasons why individuals may sell to underage customers. I have listed some examples below, merely for your information to consider when you train your staff:

- The server being so attentive to calculate the customer's age from ID, they omit to check the photograph.
- Misjudgement of customers' age, thinking the buyer is around 18, along with additionally not following the employers Challenge 25 policy.
- Not following a Challenge 25 policy, as servers don't always appreciate the policy is there to protect them.
- The server either not being able to calculate the customers age from a date of birth, or not calculating the customers age at all, as the seller has been distracted by other customers.
- The person serving not knowing or not following the employers' policy on the sale of age restricted products.
- Not taking enough care, as the seller did not understand the social and legal consequences of underage sales.

Further guidance notes which may be useful for businesses and consumers may be viewed on our website www.tradingstandards.gov.uk/kent. Please contact me if you have any questions.

Yours sincerely

Clare Hooper
Trading Standards Officer