

### Witness Statement

(C.J.Act 1967 - S.9, M.C. Act 1980 – ss5A(3)(a) and 5B, M.C. Rules 1981 r.70)

Statement of: Andrew Clooney

Age if under 18: Over 18

Occupation: Principal Officer

This statement (consisting 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.

Dated 25<sup>th</sup> August 2011

Signature .....

I am employed by the London Borough of Brent & Harrow Trading Standards Service as an Principal Officer. I am authorised to enforce various pieces of consumer protection legislation, including the Licensing Act 2003.

5 On 24<sup>th</sup> August 2011 I was in the company of Paul Harris Enforcement Officer and Ali Bandukwalla an Assistant Enforcement Officer, both with Brent & Harrow Trading Standards Service. Also in our company was Chanel Anderson aged 14 and Nicholas Bookal aged 13. Both Chanel and Nicholas were assisting the Service as child volunteers, carrying out under age test purchases of age restricted products under our instruction and  
10 supervision throughout the London Borough of Brent.

At approximately 12.30 p.m. I instructed both child volunteers to enter Bacovia, 296 Neasden Lane, London, NW10 and attempt to purchase alcohol. Before entering I advised them to tell the truth if asked their age and state if asked that neither had any identification.

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Signature .....

Continuation of witness statement of : Andrew Clooney

I then introduced all intending to enter the premises to the covert footage camera. I then entered the premises first. Chanel and Nicholas followed approximately 1 minute behind.

20 When I entered Bacovia I noticed two people in the shop. One was a young dark haired boy. He was behind the counter. Alongside him was a young woman, dark shoulder length hair, with dark eyes and approximately 5ft 6 inches tall. I heard her speak to the boy and she spoke in an eastern European accent.

25 I was carrying a covert recording device. I approached the second isle along and browsed the selection. I observed Nicholas and Chanel enter the shop and approach the fridge which was on the same side of the shop as the till further to the back. I observed Nicholas and Chanel pick up some cans from the fridge and approach the till. At this point the woman had now gone behind a deli counter which was situated to the right of the entrance door. The young boy was still behind the till.

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Nicholas and Chanel went to the counter and Nicholas put the cans on the till. At this point I noticed the cans were alcoholic, one being a can of Becks lager and the other being a can of Fosters lager.

35 I saw Nicholas hand over some money. The young boy behind the till took the money and started to hand back the change. He put the cans in a bag and Chanel and Nicholas left the shop. Something was said but it was inaudible to me. I observed the child behind the counter watch Nicholas and Chanel leave the premises through the shop window. He did this in a manner which suggested he suspected something was either wrong or not right.

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Signature .....

**E31 Sept 2003**

Continuation of witness statement of : Andrew Clooney

I then picked up a bag of sweets. The boy was still behind the counter. The sweets I intended to purchase cost 39p. I went to the till area and put the sweets on the counter and handed the boy a £20 note. He was having trouble calculating the change at which point the lady who was present in the shop came over to the till and began helping him.

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I left the shop and spoke to Paul Harris who was now holding the cans of beer purchased by Nicholas. We immediately went back into the shop and both introduced ourselves and produced our warrant card identifications.

50 The lady behind the counter could not speak fluent English. Paul Harris and I tried to explain what had happened and that we would be investigating the matter under the Licensing Act 2003. The lady behind the counter identified herself as Laza Oana. I asked if I could speak to the owner or Designated Premises Supervisor. Laza tried to get the owner on her mobile telephone.

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Paul Harris took down the personal details of Ms Oana and the boy. Ms Oana said the boy who served the alcohol was the owner's son. She told me the boy was 14 years old.

60 A person Ms Oana said was the owner then answered Ms Oana's call and she passed her mobile phone to me. Again his English was not fluent. I tried to explain to him what had happened. Ms Oana pleaded with me not to tell the owner that his son had made the sale. She asked me to say it was her who made the sale but I said I could not do that. I then passed the phone to Paul Harris to get the owners details.

Signature .....

**E31 Sept 2003**

Continuation of witness statement of : Andrew Clooney

65 I then took a photograph of the boy and Ms Oana. Ms Oana then told me the boy was returning to Romania in early September as he was going back to school. Both I and Paul Harris tried to explain that we would need to speak to the owners, the licensees and the Designated Premises Supervisor about the sale.

70 Before leaving I noticed there was a copy of a personal license on the wall behind the deli counter in the name of Daniel Stefura which was achieved in October 2008. Also on the wall was a copy of a premises license for Bacovia, license number 478253, issued on the 18<sup>th</sup> June 2009 and operating hours between 07.00-23.00. I took a photograph of each of these documents.

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Officer Harris and I left the premises at 13.05 and returned to the Departmental van.

Signature .....

**E31 Sept 2003**