

## 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: Winston BROOKS  
Age if under 18: Over 18  
Occupation: Regulatory Team Leader

This statement (consisting of 4 page(s) 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 5<sup>th</sup> September 2014

Signature



I am employed by the London Borough of Brent, Regulatory Services as a Regulatory Team Leader within the Trading Standards division. My duties include investigating alleged offences under the Consumer Protection Act 1987, The Trade Marks Act 1994 and other consumer protection legislation.

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On 28<sup>th</sup> August 2013 Trading Standards Officers and child volunteers were conducting a test purchasing exercise and monitoring the sale of age restricted goods to children.

I was accompanied by two Officers from Brent Trading Standards and two school boys one 15 years old and the other 13, to Variety Food Fair, 261 High Road, Willesden, London, NW10 2RX. The time was 14:15PM, the children were instructed to enter the premises and attempt to purchase alcohol. Both children were instructed to tell the truth

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and provide their true ages if asked. The younger child's role was to record the attempted test purchase on a covert recording device.

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The 15 year old child came out of Variety Food Fair after successfully purchasing a 4 pack of Strongbow cider. Next, I entered the premises accompanied by another Trading Standards Officer, produced our warrant card and explained that a sale of alcohol to someone under the age of 18 had just taken place. We spoke with the only person in the shop, standing behind the sales counter. This person is now known to me as Vilma Dhowtal, a sales assistant who had only been working at the premises for 3 days. Mrs Dhowtal provided her personal details and claimed she thought the boy was over 18.

At around 14:20PM the business owner, designated premises supervisor and premise licence holder arrived. This person is now known to me as Sellathurai Prabakaran. I explained that alcohol had just been supplied by Vimla Dhowtal to someone under the age of 18 and as such possible offences under Section 146 (1) of the Licensing Act 2003 may have been committed.

An inspection of under the sales counter, revealed packets of non UK duty paid cigarettes and hand rolling tobacco, a number of which did not contain UK statutory health warnings. 20 packets of cigarettes and 15 packets of hand rolling tobacco were seized, which did not comply with the labelling requirements as specified in regulation 14 (1) of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002, contrary to section 12(1) of the Consumer Protection Act 1987. We left the premises at around 15:15PM.

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As part of my investigation Vilma Dhowtal and Sellathurai Prabaharan were later formally interviewed. It transpired from these interviews that Mrs Dhowtal's training was woefully inadequate, consisting only of being verbally told not to sell alcohol to underage, intoxicated persons, prostitutes and Police Officer's in uniform. I doubt very much she understood entirely what the training was about, as her interpretation of underage was "little boys".

45 The only evidence of training on underage sales was provided by Mr Prabaharan at his formal interview and confirmed by Mrs Dhowtal at hers. This was an A4 book called 'Staff Training Book' with a statement signed by Mrs Dhowtal on 26/08/2013 which states: "*I have completed my off-license, E-pay, card processing training. I understand the rules and regulations of the business.*"

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Mrs Dhowtal confirmed at interview that Mr Prabaharan told her to write this statement because he struggled to write in English. Mrs Dhowtal also explained that she would have written anything Mr Prabaharan had told her to write. In my view, this does not equate to staff training on the laws relating to the sale of age restricted goods.

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On 18<sup>th</sup> February 2014 Sellathurai Prabaharan was summonsed to appear before Willesden Magistrates Court, where he pleaded guilty to selling 4 cans of Strongbow cider to a 15 year old schoolboy. Mr Prabaharan also admitted having in his possession 20 packets of cigarettes and 15 packets of hand rolling tobacco, none of which had the statutory health warnings on their packaging. Mr Prabaharan was fined £300 for each offence and was ordered to pay a further £840 in prosecution costs to the London Boroughs of Brent & Harrow Trading Standards Service. He was also ordered to pay a £30 victim surcharge.

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Mr Sellathurai Prabakaran of 261 High Road, Willesden NW10 2RX is known to Trading Standards and after interrogating our computerised databases, it reveals that Mr Prabakaran signed a 'Simple Caution' on 25<sup>th</sup> July 2011 for offences contrary to Sections 92(1)(b) and (c) of the Trade Marks Act 1994.

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The Simple Caution relates to the following. On 11th February 2011, Trading Standards Officers inspected his business and discovered 10 counterfeit bottles of Smirnoff Red Vodka. These items were seized and when Officers returned to 261 High Road, Willesden NW10 2RX on 30th March 2011, an undercover Trading Standards Officer was able to purchase a counterfeit bottle of Jacobs Creek wine. Officers then searched the premises and found 5 more bottles of counterfeit Jacobs Creek wine.

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