WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN 46

Statement of: **Ian Pickett PC 12274**

Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Police officer**

This statement (consisting of 8 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: **Ian Pickett PC 12274** Date: **15th August 2023**

Tick if witness evidence is visually recorded ☐ *(supply witness details on rear)*

This statement is being made in relation to my visits to Best One store, 16 Hawthorn Road, Sittingbourne, Kent and my interactions with the premises licence holder, Roopesh Kapoor and the designated premises supervisor, Vijay Kapoor.

I have been a police officer for 21 years and carried out the role of a police licensing officer for 2 years, all within Kent police, working for the North Division licensing team.

This premises currently has a premises licence for the sale of alcohol, granted by Swale council which was last been amended in 2017, according to our police database, which apart from the mandatory conditions, also had conditions on the operating schedule in relation to CCTV, use of refusals log, Challenge 21 and member of Swale Safe radio system.

Prior to March 2023, I was aware of a visit made by my colleague, PC Smuts at the premises in November 2022.

This premises has a number of reports of sales of age restricted products from the premises, to under age persons however as far as I am aware, none have been substantiated by means of witness statement, CCTV or other means.

I am aware of previous visits by Trading standards where test purchases have been attempted, but no sale was made.

On 3rd March 2023, I attended the Best One store, in order to investigate information that a juvenile had purchased age restricted products at the store on 4th February 2023 between 0900-1200 hours.

Signature: **Ian Pickett PC 12274** Signature witnessed by: **N/A**

Continuation page 2 URN 46

Continuation statement of: **Ian Pickett PC 12274**

Mr Roopesh Kapoor was present and denied any sales, stating he would have been closed at the times I asked about as the premises did not open until 1200 hours. A sign on the front door of the premises, showing times that the premises was open, was on display, showing that the premises was open from 1200-2000 hours, Monday to Saturday. I took a photograph of this sign which I exhibit as IWP/1.

I asked to see the refusals book, which Mr Kapoor provided and saw that the last entry was 25th January 2023. I took photographs of the last two pages, which I exhibit as IWP/2 & IWP/3.

When I asked Mr Kapoor why there was such a long time, since the last entry in the book, considering it was now 3rd March, he told me this was how it was. While I was in the premises, two young females came into the store, and asked to buy a vape product however when challenged for identification by Mr Kapoor, the two females then left, without any products.

After my attendance at the store, I was provided CCTV footage by Mr Kapoor which showed the premises was closed on 4th February between 0900-1200 hours, so believed the information I had been provided was incorrect.

On 6th July I was made aware by a colleague, PC Topham of a number of dates in relation to alleged sales of age restricted products from the premises to persons under 18 years of age.

On 14th July, I attended the store and on entering the premises, a male was at the counter and asked Mr Kapoor for a vape, however there was no sale as this male could provide no identification.

This male was approximately 17-18 years of age.

Once this male had left, I gave Mr Kapoor a letter, detailing what footage I wanted him to provide from the CCTV system that was in operation within the store. The date range was from 23rd June to 4th July 2023, which I believed was well within the 28 days retention period for the premises licence condition in relation to CCTV.

Signature **Ian Pickett PC 12274** Signature witnessed by **N/A**

The dates and times within the letter, were provided with a view to being proportionate and not too onerous on Mr Kapoor, however I believed were specific enough to allow footage that was provided to allow me to investigate each date, in order to confirm if a sale had taken place.

A copy of this letter I exhibit as IWP/4.

Mr Kapoor also told me during my attendance at the store, that he was not at fault, believing that proxy sales to under age persons by another person was a factor, as well as blaming parents buying for their children as well as on line sales.

I again asked to see the refusals register, which had been recorded on a loose, plain piece of paper with the last entry of 30th June. I took a photograph of this page at the time of my attendance, which I exhibit as IWP/5. I advised Mr Kapoor to obtain a new refusals book, in order that any future entries are recorded and retained properly.

On 18th July 2023, Mr Kapoor contacted me regarding provision of CCTV, stating there had been an issue accessing the footage and his CCTV engineer was due to attend later that day, in order to access the system. He again went onto to state other persons were at fault, selling vapes to under age persons rather than himself. He explained how he had been blamed for litter outside the premises, which he believed were from fast food restaurants in the local area and not his store. He said he tried to do the right thing, by removing the packaging from vapes, both cellophane and box, so that these were not dropped by persons when they left the store.

On 19th July, Mr Kapoor text to advise me that the CCTV engineer had not attended on 18th July and was due to attend later that day so he would update me when the engineer had attended.

On 20th July, I text Mr Kapoor, asking for an update in relation to the CCTV. Mr Kapoor replied, telling me that the CCTV engineer had not been able to retrieve any recordings, as the hard drive had stopped working. On trying to call Mr Kapoor, I could not speak with him however I text him to say that as no CCTV in operation, then no sale of alcohol should occur.

Signature **Ian Pickett PC 12274** Signature witnessed by **N/A**

On Friday 21st July, Mr Kapoor told me by telephone that the CCTV system had been replaced and was in working order. When I asked to collect the old hard drive, in order that I could submit the hard drive to Kent police digital forensics unit for them to analyse, I was told that the hard drive had already been disposed of.

On 27th July 2023, I was present with PC Topham at Sittingbourne police station, when we then had cause to attend the Best One store, in company with Oliver Jewell, Trading Standards as well as Christina Hill and Joanne Thomas from Swale Council licensing team. PC Topham had told me that there were youths outside the store, with at least one using a vape. With this in mind, I wanted to review any CCTV from within the store, in order to prove or disprove if the youth had purchased the vape from the store. I also wanted evidence that the CCTV system was recording correctly.

When we entered the store, a male was stood at the counter, carrying a bag and appeared to be speaking with Mr Kapoor, with at least one £5 note on the counter. I assumed this male was paying for an item or items he had purchased.

While within the store, Mr Kapoor was spoken to by Christina Hills regarding the role of DPS and he admitted that his father, Vijay Kapoor had not worked at the premises for a number of years, having retired from working at the premises.

Oliver Jewell asked to review products behind the counter and was allowed access by Mr Kapoor.

Once the issue of the DPS had been explained and documentation issued by Christina Hills, Oliver Jewell stated a number of illegal vapes had been seized by him as well as pointing out other items, such as small deal bags and behind the counter.

I then spoke to Mr Kapoor, telling him I wanted to review CCTV footage from approximately 1330 hours, however after several attempts, Mr Kapoor was unable to show me the footage, so I asked him to provide the footage as requested by Wednesday 2nd August.

Signature **Ian Pickett PC 12274** Signature witnessed by **N/A**

I also took three photos of the refusals book, which were like before, loose, plain pages, with entries from 3rd July to 26th July. These pages I exhibit as IWP/6, IWP/7 & IWP/8.

After leaving the premises, I was informed by PC Topham that the male at the counter, I had seen upon entering the premises, was known to him, which then gave me further cause to obtain the CCTV prior to our visit, in order to clarify what had occurred between Mr Kapoor and this male.

To facilitate Mr Kapoor providing CCTV footage, I sent him a link via the Kent police Digital Asset Management System (DAMS) to his mobile phone number, following this up with a further text message, informing him I required footage from both inside and outside the store. This link allows a premises or member of the public, to submit CCTV footage to Kent police via an online cloud system.

On Wednesday 2nd August, I hand delivered a letter to the premises, detailing how I believed there had been breaches of the premises licence, in particular to CCTV, however as the premises was not open, I left the letter in the premises post box. Later the same morning, I emailed Mr Kapoor using an email address, that Mr Kapoor had provided on our visit on 27th July, sending him a copy of the letter as well as reminding him that no CCTV had been provided by him. A copy of this letter I exhibit as IWP/9.

Despite telling Mr Kapoor I wanted to obtain CCTV footage by 2nd August, I had no reply from him via the DAMS link or my letter I had hand delivered/sent by email, so on Thursday 3rd August I attended the premises, where Mr Kapoor was present, however the DPS, Mr Vijay Kapoor was not. I was advised that the DPS had been in the premises for the last four days, but was now off work and would be away for four days the next week.

Mr Kapoor advised me that he needed to download the CCTV footage via a USB stick, so told him I would deliver one in the next few days.

On Friday 4th August, I attended the premises and handed a USB stick to Mr Kapoor, making him aware of the CCTV footage I required, advising him I would return on Wednesday 9th August to collect the footage. The DPS was not present on this occasion.

On Tuesday 8th August, I returned to work after three rest days, where I found I had received an email notification, received on 5th August at 16:41 hours, that Mr Kapoor had submitted CCTV evidence to DAMS, which I then reviewed to find only the outside camera view, overlooking the exit and parking area outside, had been provided. The footage showed a timing difference, show a start time of 12:33:04, meaning the timing of the CCTV was approximately an hour out.

No other camera views were provided despite what I had requested, so I then intended to visit the premises on 9th August in order to clarify with Mr Kapoor why only one camera view had been provided. When I started work on 9th August, I checked my work mobile phone, to find a text from Mr Kapoor, which I have copied as follows:-

"Hi Mr Pickett, In regards to your request for CCTV on the 27th July I have sent you the footage via the link you sent me for 20 mins before you arrived. However due to issues I was having with operating the system (not being technologically minded) only the exit camera was available To send. However going forward, since then I have to the best of my ability undertaken training on how to operate the system fully and refreshed myself with the terms of my premises licence conditions. Also the DBS check has been completed...personal policy training course is being done...and Dps consent form being completed. Thanks, Roop Kapoor."

In order to clarify why only the outside camera was provided, I attended the premises on 9th August where Mr Kapoor was present but without the DPS. Mr Kapoor told me he had been "messing about" with the CCTV system, in order to provide me with the relevant footage, when he deleted all footage prior to 5th August. The CCTV engineer who had installed the new system had then told him what to do, in order to provide the relevant footage, but it was only then he realised that camera views 2 and

3 had all been deleted. He also advised me that the timing had been adjusted as this had been wrong on the previous footage provided.

As the DPS was not present, I asked where he was and Mr Kapoor then told me he had gone away, leaving on Saturday 5th August, returning on Saturday 12th August. He also advised me that he had found two more vapes, which he believed to be illegal had not been taken during our visit on 27th July so advised him to retain them, to allow a colleague of mine to seize them.

On 14th August, I attended the premises to seize the vapes as my colleague had been unable to assist with the seizure of the vapes, as well as to confirm if the DPS was present. On approaching the premises, a male juvenile, approximately 14 years of age, entered the premises ahead of me. This juvenile asked for a vape, but was refused by Mr Kapoor as he had no identification. Mr Kapoor was present and handed over two vapes, which I seized. The DPS was not present and Mr Kapoor advised that the DPS was not well. Mr Kapoor tried to contact him but I was advised he was asleep, so I asked that the DPS call me when he was awake.

At 1848 hours, I received a phonecall from the DPS, Vijay Kapoor on my work mobile. Mr Vijay Kapoor confirmed that he was not able to attend the premises, but intended to be back in the premises by the coming weekend. When I asked the last time, he had been in the premises, he advised it had been the Saturday before, meaning 5th August. He also told me that he had been away since Tuesday 8th August, returning on Saturday 12th August. He stated that he was aware of his responsibilities as a DPS as he had been involved in owning premises of this sort for 50 years.

At the time of writing this statement, at no time have I seen Mr Vijay Kapoor within the premises.

No CCTV has been provided from the premises, with the premises licence holder, Mr Roopesh Kapoor providing different reasons as to why this was not provided.

On review of the different pages of the refusals logs, anomalies have come to light, such as on my visit on 14th July, I took a photo of the refusal log (IWP/5), which showed the last entry of 30th June,

however when I attended on 27th July and took further photos of the refusal log, there were two entries dated 3rd July on the first page (IWP/6), meaning these entries were added retrospectively after my visit.

Also, on the refusal log (IWP/5) there are two entries dates 11th June, however on checking this date in 2023, this is a Sunday and Mr Kapoor has told me the premises does not open and this was confirmed by sign on the door (IWP/1) during my visit in March.

During both my visits and the visit by PC Smuts, there have been extended periods where no refusals have occurred however on several of my visits to the premises, there have been persons either in the premises or entering the premises, with a view to purchasing age restricted products, who were refused. As such, I would have expected that the gaps between each refusal would be days, rather than weeks.

BEST ONE OPENING HOURS IWP/1

REFUSALS LOG 3rd MARCH 2023 IWP/2

commencing

Page 12

Date	Time	Sex	Approx Age	Product	Reason	Initials
10-1	3 10	(M) F	Under (18) / 19-25	A T (O)	NO ID	RK
10-1	3 30	M (F)	Under (18) / 19-25	A T (O)	"	"
11-1	3-15	(M) F	Under (18) / 19-25	A T (O)	"	"
11-1	3-30	M (F)	Under (18) / 19-25	A T (O)	"	"
11-1	4 00	(M) F	Under (18) / 19-25	A (T) (O)	"	"
12-1	3-45	M (F)	Under (18) / 19-25	A T (O)	"	"
12-1	4-15	(M) F	Under (18) / 19-25	A (T) O	"	"
12-1	5 00	(M) F	Under (18) / 19-25	(A) T O	"	"
12-1	5 15	M (F)	Under (18) / 19-25	A T (O)	"	"
13-1	3-40	(M) F	Under (18) / 19-25	A T (O)	"	"
13-1	4 20	M (F)	Under 18 / (19-25)	A (T) (O)	"	"
13-1	5-00	(M) F	Under (18) / 19-25	A T (O)	"	"
13-1	5-30	M (F)	Under (18) / 19-25	(A) T O	"	"
14-1	12 15	M (F)	Under (18) / 19-25	A T (O)	"	"
14-1	2 00	M (F)	Under (18) / 19-25	A T (O)	"	"
14-1	2-45	M (F)	Under (18) / 19-25	A T (O)	"	"
14-1	4-15	M (F)	Under (18) / 19-25	A T (O)	"	"
16-1	3-30	(M) F	Under (18) / 19-25	A T (O)	"	"
16-1	4-20	M (F)	Under (18) / 19-25	A T (O)	"	"
16-1	4 40	(M) F	Under (18) / 19-25	A (T) (O)	"	"
17-1	3-55	(M) F	Under (18) / 19-25	A T (O)	"	"
17-1	5 05	M (F)	Under (18) / 19-25	A T (O)	"	"
17-1	5-15	(M) F	Under (18) / 19-25	A T (O)	"	"
18-1	4 05	M (F)	Under (18) / 19-25	A T (O)	"	"

Checked by

Date

Date eg 5/9	Time	Male Female	Under 18 19 to 25	Alcohol Tobacco Other	eg no ID	Staff to initial

Week commencing

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Date	Time	Sex	Approx Age	Product (Reason)		
18-1	4 15	(M) F	Under (18) / 19-25	A T (O)	NO ID	RK
18-1	4 40	(M) F	Under (18) / 19-25	A T (O)	"	"
19-1	5.15	(M) F	Under (18) / 19-25	A T (O)	"	"
19 1	5 40	(F)	Under (18) / 19-25	A T (O)	"	"
20-1	3.45	(M) F	Under (18) / 19-25	A T (O)	"	"
20-1	4 00	(M) F	Under (18) / 19-25	A T (O)	"	"
20-1	5.00	M (F)	Under (18) / 19-25	A T (O)	"	RK
21-1	1-00	M (F)	Under (18) / 19-25	(A) T O	"	"
21-1	1-45	M (F)	Under (18) / 19-25	(A) T O	"	"
21-1	2 30	M (F)	Under (18) / 19-25	A T (O)	"	"
23-1	3-50	M (F)	Under (18) / 19-25	A T (O)	"	"
23-1	4.15	(M) F	Under (18) / 19-25	A T (O)	"	"
24-1	1-00	M (F)	Under (18) / 19-25	A T (O)	"	"
24-1	1-00	M (F)	Under (18) / 19-25	A T (O)	"	"
25-1	3.55	(M) F	Under (18) / 19-25	A T (O)	"	"
25-1	4.20	M (F)	Under (18) / 19-25	A T (O)	"	"
		M F	Under 18 / 19-25	A T O		
		M F	Under 18 / 19-25	A T O		
		M F	Under 18 / 19-25	A T O		
		M F	Under 18 / 19-25	A T O		
		M F	Under 18 / 19-25	A T O		
		M F	Under 18 / 19-25	A T O		
		M F	Under 18 / 19-25	A T O		
		M F	Under 18 / 19-25	A T O		

Checked by

Date

Date eg 5/9	Time	Male Female	Under 18 19 to 25	Alcohol Tobacco Other	eg no ID	Staff to initial

LETTER TO MR KAPOOR HAND DELIVERED ON 14/07/2023 IWP/4

Kent Police

Protecting and **serving** the people of Kent

Medway Police Station
Purser Way
Gillingham
Kent
ME71NE

Tel: 07980700435

Licensing.north.division@kent.police.uk

13th July 2023

Dear Mr Kapoor

I am writing to request CCTV footage for the following dates for your premises, Best One, 16 Hawthorn Road, Sittingbourne, Kent.

23/06/23 – 12:05-12:25
26/06/23 – 12:00-12:20 & 15:50-16:10
01/07/23 – 18:45-19:15
04/07/23 – 12:00-12:20 & 16:15-16:35

This request is in relation to allegations of sales of age restricted products at your premises on the dates and times concerned.

As there are a number of dates, I can send you a link via email or text in order that these are uploaded without the need for a USB stick or disc. Please can the CCTV be direct from your CCTV system and not recorded by another device from a computer or phone screen.

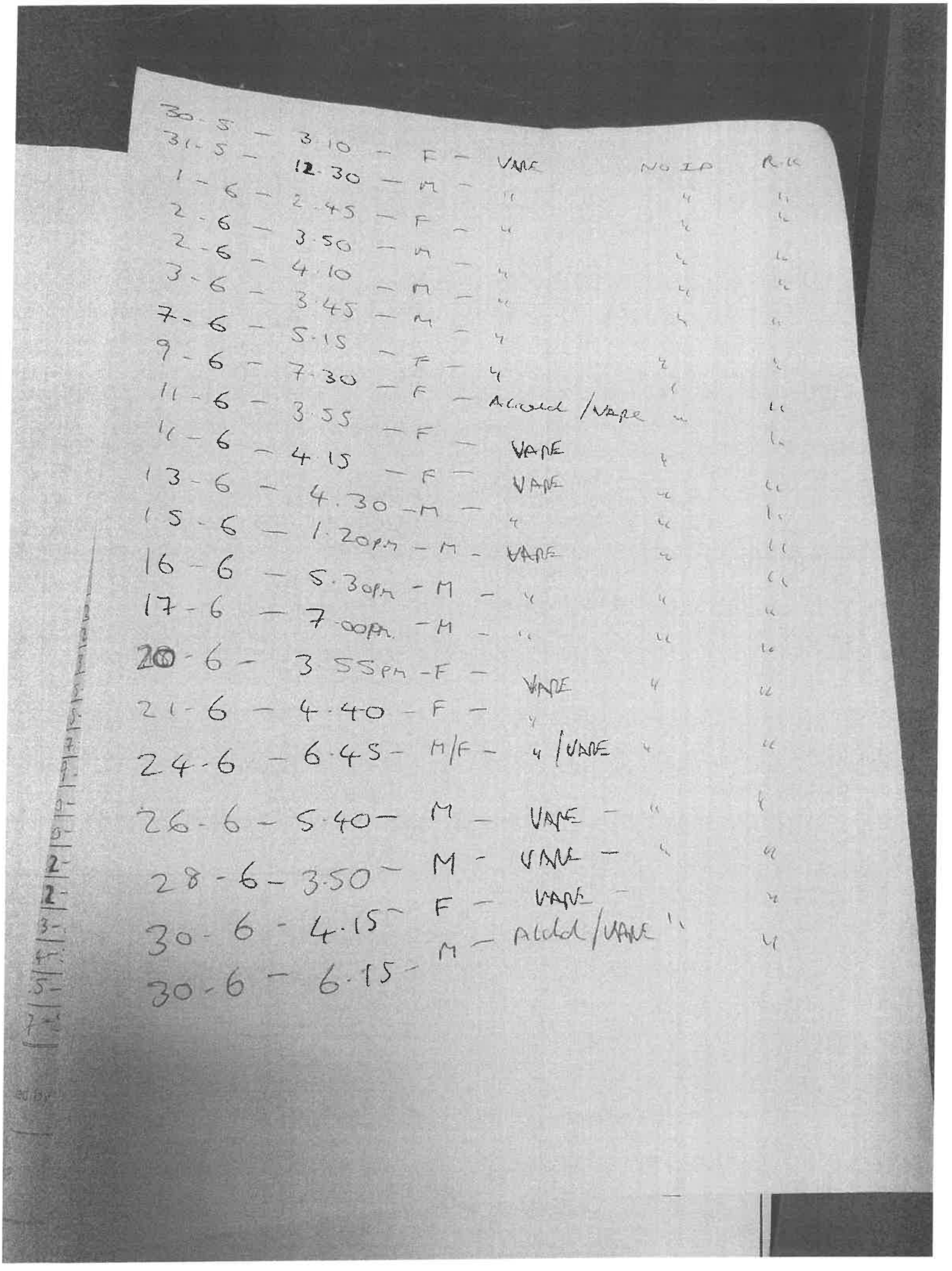
I will remind you that failure to provide the relevant CCTV footage will be in breach of a condition on your premises licence and may result in enforcement action by Kent police which could lead to a full review of the premises licence.

Please let me know if you require a link to be sent to you, for the CCTV to be provided.

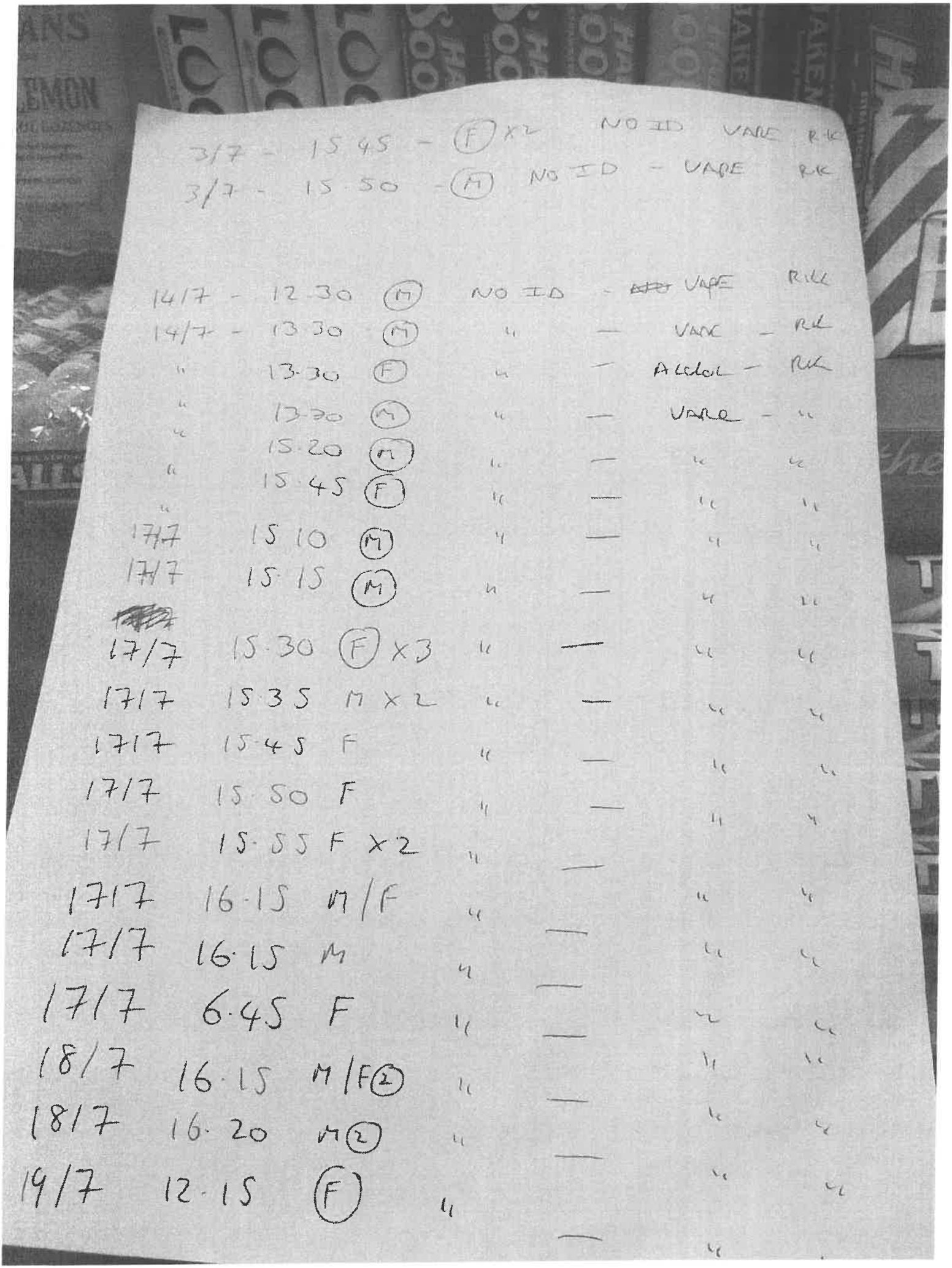
Your sincerely

Ian Pickett 12274

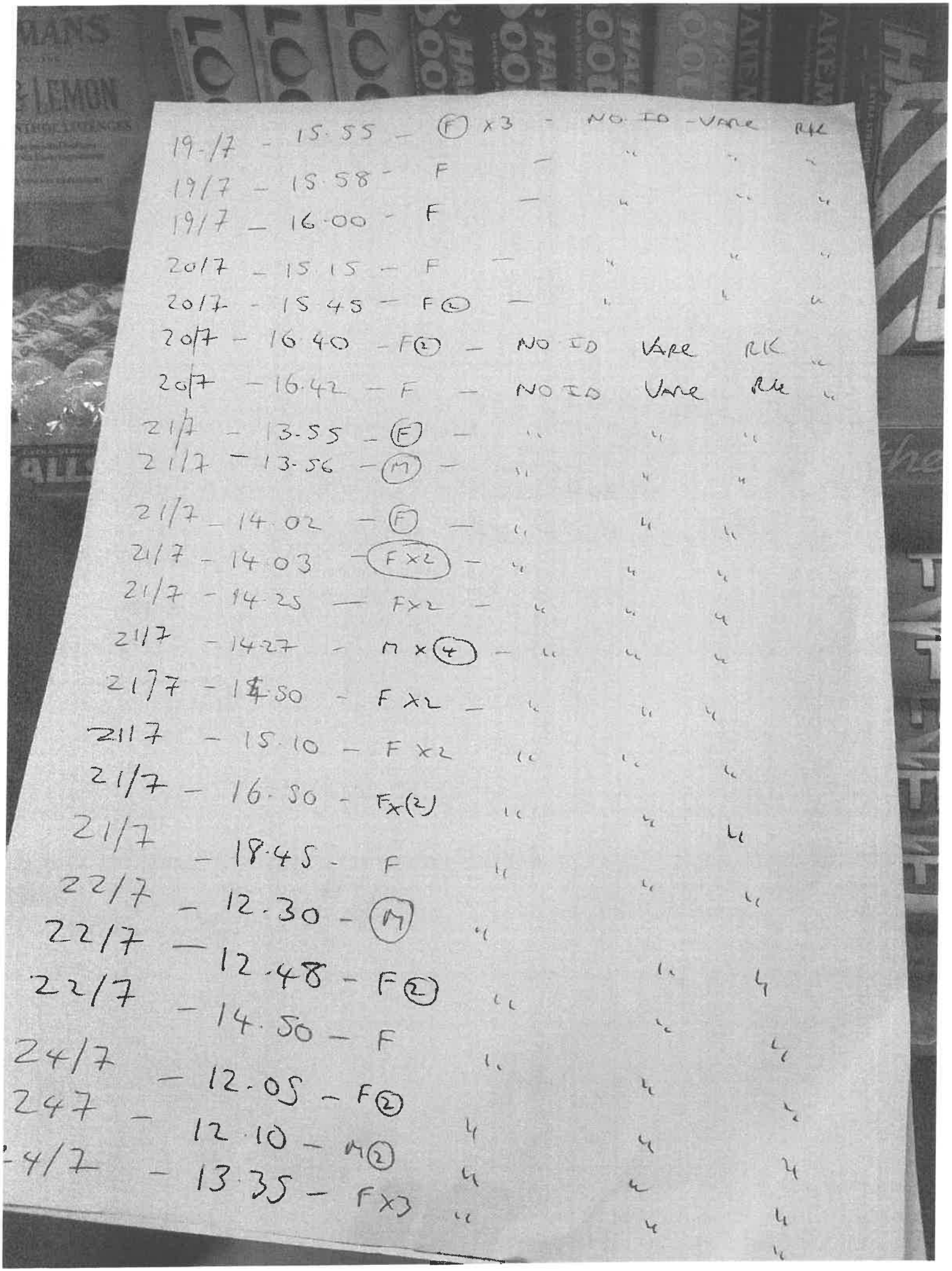
PC Ian Pickett 12274
Licensing Hub
Strategic Prevention Command



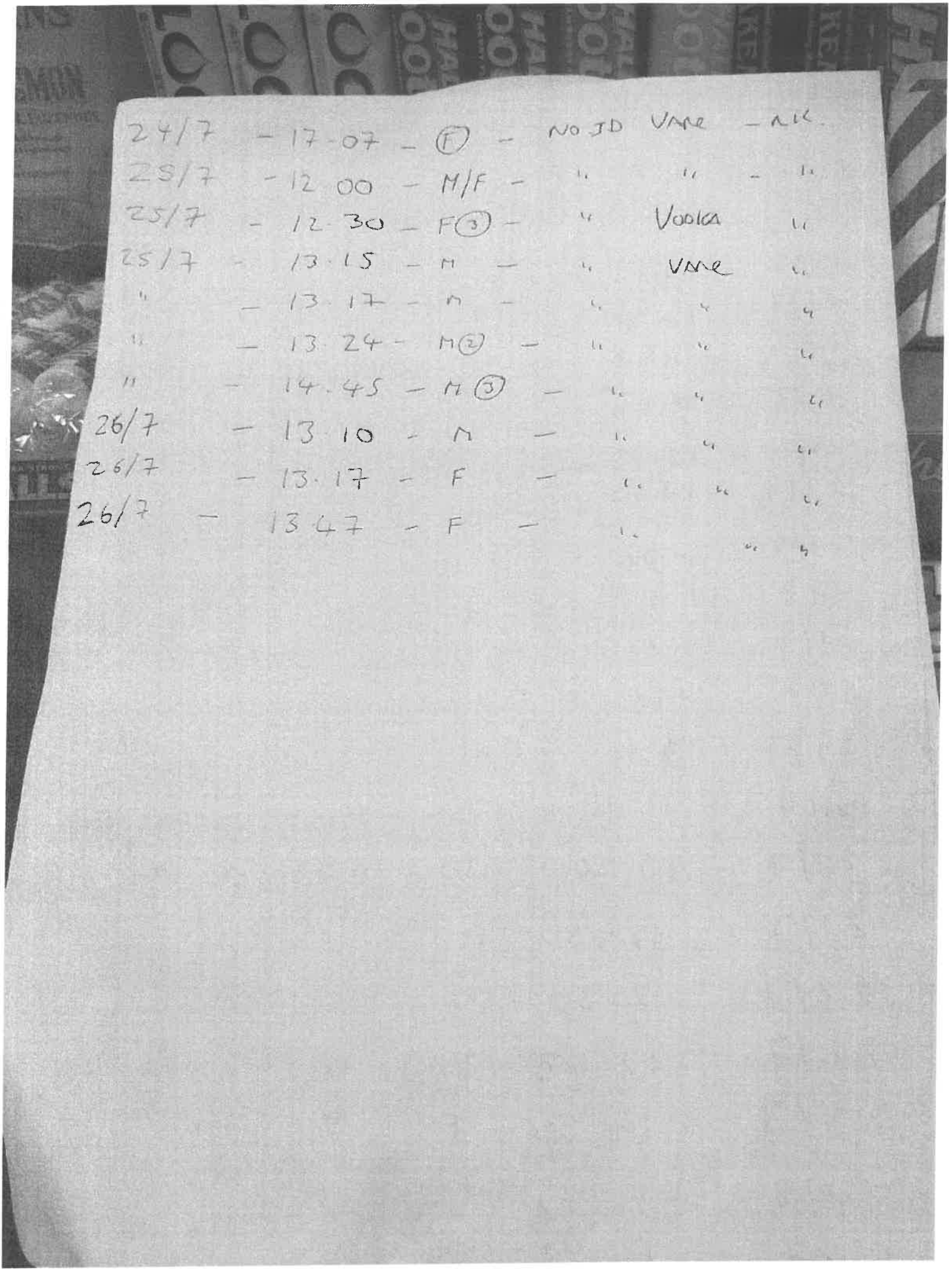
30-5	3.10	F	VAPE	NO ID	R.W
31-5	12.30	M	"	"	"
1-6	2.45	F	"	"	"
2-6	3.50	M	"	"	"
2-6	4.10	M	"	"	"
3-6	3.45	M	"	"	"
7-6	5.15	F	"	"	"
9-6	7.30	F	Alcohol / VAPE	"	"
11-6	3.55	F	VAPE	"	"
11-6	4.15	F	VAPE	"	"
13-6	4.30	M	"	"	"
15-6	1.20PM	M	VAPE	"	"
16-6	5.30PM	M	"	"	"
17-6	7.00PM	M	"	"	"
20-6	3.55PM	F	VAPE	"	"
21-6	4.40	F	"	"	"
24-6	6.45	M/F	" / VAPE	"	"
26-6	5.40	M	VAPE	"	"
28-6	3.50	M	VAPE	"	"
30-6	4.15	F	VAPE	"	"
30-6	6.15	M	Alcohol / VAPE	"	"



3/7	15 45	(F) x2	NO ID	VAPE	RK
3/7	15 50	(M)	NO ID	VAPE	RK
14/7	12 30	(M)	NO ID	VAPE	RK
14/7	13 30	(M)	"	VAPE	RK
"	13 30	(F)	"	ALCOHOL	RK
"	13 30	(M)	"	VAPE	"
"	15 20	(M)	"	"	"
"	15 45	(F)	"	"	"
"					
17/7	15 10	(M)	"	"	"
17/7	15 15	(M)	"	"	"
[redacted]					
17/7	15 30	(F) x3	"	"	"
17/7	15 35	M x2	"	"	"
17/7	15 45	F	"	"	"
17/7	15 50	F	"	"	"
17/7	15 55	F x2	"	"	"
17/7	16 15	M/F	"	"	"
17/7	16 15	M	"	"	"
17/7	6 45	F	"	"	"
18/7	16 15	M/F (2)	"	"	"
18/7	16 20	M (2)	"	"	"
19/7	12 15	(F)	"	"	"



19/7 - 15.55 - (F) x3 - NO ID - VAPE RK
19/7 - 15.58 - F - " " "
19/7 - 16.00 - F - " " "
20/7 - 15.15 - F - " " "
20/7 - 15.45 - F(2) - " " "
20/7 - 16.40 - F(2) - NO ID VAPE RK "
20/7 - 16.42 - F - NO ID VAPE RK "
21/7 - 13.55 - (F) - " " "
21/7 - 13.56 - (M) - " " "
21/7 - 14.02 - (F) - " " "
21/7 - 14.03 - (F x2) - " " "
21/7 - 14.25 - F x2 - " " "
21/7 - 14.27 - M x (4) - " " "
21/7 - 14.50 - F x2 - " " "
21/7 - 15.10 - F x2 " " "
21/7 - 16.50 - F x (2) " " "
21/7 - 18.45 - F " " "
22/7 - 12.30 - (M) "
22/7 - 12.48 - F(2) " "
22/7 - 14.50 - F " "
24/7 - 12.05 - F(2) " "
24/7 - 12.10 - M(2) " "
24/7 - 13.35 - F x3 " "



24/7 - 17.07 - (F) - NO ID VAPE - ALL.
25/7 - 12.00 - M/F - " " - "
25/7 - 12.30 - F(3) - " VODKA "
25/7 - 13.15 - M - " VAPE "
" - 13.17 - M - " " "
" - 13.24 - M(2) - " " "
" - 14.45 - M(3) - " " "
26/7 - 13.10 - M - " " "
26/7 - 13.17 - F - " " "
26/7 - 13.47 - F - " " "

Kent Police

Protecting and **serving** the people of Kent

Medway Police Station
Purser Way
Gillingham
Kent
ME71NE

Tel: 01634 792733

Licensing.north.division@kent.police.uk

1st August 2023

Dear Mr Kapoor

On 14th July 2023 I made a visit to your premises and hand delivered a letter, detailing what dates I required of CCTV footage in relation to alleged sales of age restricted products. After this visit, I spoke with you on 18th July to confirm if CCTV was available, during which you advised me that the engineer would be visiting later that day however returned on 19th July and found that the system had not been recording and so a replacement hard drive was to be installed, however the correct length cable was not available so one ordered from Amazon. Despite you knowing that I wanted the relevant CCTV footage, it was not until 20th July when I made contact with you that I was made aware by text that the hard drive had not been recording. It was not until 21st July that I spoke with you, in order to clarify the issue of the hard drive not recording footage.

Despite your reasoning that there was no way of you knowing of the failure of the hard drive and this should be taken in mitigation, if I refer to condition 1 part g of the operating schedule for the premises licence for your store, this states *"the system should be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity."*

Also, when I visited the premises with Swale licensing and trading standards on 27th July 2023, you could not work the CCTV correctly and as such, believe you would not be able to provide CCTV footage as condition 1 part b states *"The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will either be recorded on good quality videotape or digitally onto CD/DVD or other equivalent medium"*.

A CCTV link was sent later on 27th July to yourself to provide CCTV footage prior to our visit on 27th July from 1330 hours, however at the time of writing this letter, no CCTV footage has been received.

I must remind you that the premises licence conditions are there for you as the premises licence holder to ensure they are complied with. I would urge you to ensure that you refresh yourself with what the conditions are and ensure full compliance going forwards. Any failure to comply with premises licence conditions could result in enforcement action by Kent police and could lead to a full review of the premises licence.

If you have any questions or concern, then please feel free to contact the North Division Licensing Unit using either the telephone number or email address above.

Your sincerely

PC Ian Pickett 12274
Licensing Hub
Strategic Prevention Command