

STATEMENT OF WITNESS

(Criminal Procedure Rules 2010, r 27.1(1); Criminal Justice Act 1967, s.9, Magistrates' Court Act 1980, s.5A & s.5B)

STATEMENT OF:	Evan Battershall
AGE OF WITNESS:	Over 18
OCCUPATION:	Trading Standards Officer

This statement, consisting of __ **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.

Dated: 14.02.2023 **Signature:** E Battershall

My name is Evan Battershall and I am a Trading Standards Officer working for Thurrock Council. On 19th October 2022, I undertook an underage test purchase operation as lead officer along with Trading Standards Officers, Shona Abbott and Keith Bush. We were accompanied by a 16-year-old female volunteer.

At approx. 10am that morning I briefed the volunteer on the operation and talked her through the camera equipment, the volunteer then signed our debrief document, so she understood what was expected and understood what was said.

I then took several photos of the volunteer including a close up, full height view and one standing next to my colleague Shona. I then transferred these photos to my computer and printed them without editing and I now produce these photos as exhibit **EB/ST.C4** and **EB/ST.C5**.

At approximately 11.20am we approached St. Chads Convenience, 163 St Chads Road, Tilbury, RM18 8NL. The volunteer walked with us until we pointed out the shop in question, we indicated where we would wait while we watched the live footage. I saw the volunteer enter the premises at approximately 11:23am with a small camera to record any sale. As the volunteer entered the shop, I watched the live footage on my work phone for the duration of her time in the shop. I saw that she had approached the till and had a conversation with a white, male worker. The volunteer returned to us shortly afterwards with a vape product in her hand. This product was an Elux Berry Lemonade Vape, containing 2% Nic Salt.

The volunteer told me that the seller had not asked for her age or ID and gave a description of the seller as white male with brown hair and tattoos. I saw the volunteer hand the vape to my colleague Keith Bush.

Keith and I then entered the premise and I introduced us to the man behind the counter who matched the description the volunteer had given us as a white male with brown hair and tattoos. I noted he has a small star tattoo under one of his eyes and black tattoos on both his hands. I explained that an offence had been committed as a 16 year old person had just been sold a vape. I then asked the man if the owner was available and he explained that the manager wasn't there. I then asked for his details and he identified himself as Lee KELLY of [REDACTED]

Mr Kelly was concerned on how serious the crime was and asked if there was any prison sentence. He then went on to comment that it was his fault and said "it was my bad". I informed him that we would write to him in due course and may need to attend an interview.

As we left the premises I noted Mr Kelly, left the shop behind us and immediately used his phone. We then returned to our vehicle and I sealed the Elux Berry Lemonade vape in evidence bag LC00108499. I now exhibit this evidence as **EB/ST.C2**. I then placed this in our secure store on return to the office.

I also uploaded the recorded evidence of the sale to our desktop system. I now introduce this footage as **EB/ST.C3**. On the 19th October 2022 I viewed this footage and completed a transcript of the recording. I now present this as **EB/ST.C6**.

On Tuesday 6th December 2022, I had conducted an interview under Caution with the Director of St. Chads Convenience, Mr MD Jakir Hossen. I produce a sealed recording of the interview as **EB/ST.C7** I also produce a transcript of the interview as **EB/ST.C8**.

Mr Hossen presented me with his responsible retailer pack including his customer refusal log, as well as presented a photocopy of his flight records. I photocopied these and produce these as **EB/ST.C9**.

On Tuesday 6th December 2022, I conducted an interview under Caution with the seller from St Chads Convenience, Mr Lee Kelly. I produce a sealed recording of the interview as **EB/ST.C10**. I also produce a transcript of the interview as **EB/ST.C11**.

Dated: 14.02.2023

Signature: E Battershall