

**IN THE MATTER OF:  
POLTD/1415/0118**

**R (POST OFFICE LTD)**

**-v-**

**ZEN ELVINS**

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**CHARGING ADVICE**

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**Background.**

1. The Springfield Sub Post Office Branch located within a convenience store at **GRO** was audited on 25<sup>th</sup> February 2015. At the time of the audit, Mrs. Sajida Seema Noor was the Subpostmistress and the owner of the convenience store. I am told that Mrs. Noor worked in the store but in the Post Office. She employed her son, Zen Elvins and her daughter, Ayesha Iqbal, to manage the Post Office.

**The Investigation.**

2. The current investigation relates to the sale, reversal and encashment of postal orders. On 12<sup>th</sup> December a postal order was purchased at the Springfield Branch for £4.00. The sale was reversed and then immediately thereafter the postal order was cashed.
3. On 12<sup>th</sup> January 2015 a large number of Postal Orders were sold, reversed and cashed. The majority of the transactions were carried out under the user name of Zen Elvins and related to postal orders in the sum of £250.00.

4. In total 22 postal orders were sold, reversed and cashed by Mr. Elvins.
5. Mr. Elvins was interviewed under caution on 9th March 2015 and he had the benefit of legal representation throughout the interview.
6. Mr. Elvins made a full and frank admission, explaining that he had discovered that it was possible to sell a postal order, reverse the transaction and cash the postal order before the cut off point every day at about 7 p.m. He had not told anyone and had carried out the transactions so as to make up a loss of about £3,500 which they had incurred. Mr. Elvins admitted that his actions had been dishonest.

#### **Discussion.**

7. There is undoubtedly strong evidence in this case which would be capable of supporting charges of fraud or theft. The evidence of the transactions carried out on the Horizon system reveals that £4,819 of postal orders were sold, reversed and cashed in the Springfield branch between 12<sup>th</sup> December 2014 and 3<sup>rd</sup> February 2015 and in his interview under caution, Mr. Elvins admitted that he was responsible for the fraudulent activity. Neither his sister nor his mother had been aware of the position.
8. Whilst this case does not appear to contain an 'Horizon issue', I am concerned about the possible effect of commencing proceedings against Mr. Elvins thereby putting a case into the public domain in which a suspect said "...to be honest there's so many little loopholes in the system that you kind of just find them..."

9. My understanding is that Mr. Elvins was able to exploit a known weakness in the Horizon system. Whilst this is not an 'Horizon issue' to the extent that the system permitted the sequences of transactions in accordance with its programming, it does not of course make the position any less embarrassing for Post Office Ltd. There is in my opinion a substantial risk that any reports generated by a prosecution in this case may be utilised by those who seek to argue that Horizon is defective or otherwise inadequate. There is, of course, also the risk that the dissemination of information concerning this particular flaw may also encourage others minded to commit acts of dishonesty against Post Office Ltd to attempt to replicate the situation for their personal gain.

10. I also note that the relatively small sum in this case will have been recovered from Mr. Elvins mother who is the Subpostmaster.

**Charging Decision.**

11. Whilst the public interest test in this case is clearly met, for the reasons set out above I do not regard a prosecution as being in the public interest.

**Martin Smith  
Solicitor  
Cartwright King Solicitors**

**21st<sup>th</sup> April 2015**