

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Police Sergeant 1506 Anthony John Bushell

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Dario's 240a Station Road Bamber Bridge	
Post town Preston	Post code (if known) PR5 6EA

Name of premises licence holder or club holding club premises certificate (if known) Hassan Malekzadeh

Number of premises licence or club premises certificate (if known) Prem 0051

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sergeant 1506 Anthony Bushell Lancashire Constabulary Southern Division Licensing Unit Chorley Police Station St Thomas Road Chorley Lancashire PR7 1DR
Telephone number (if any) 01772 312114
E-mail address (optional) anthony.bushell@lancashire.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

These premises do not have a CCTV system in operation. Subsequently there have been a number of incidents and crimes associated with these premises that are unable to be detected due to lack of evidence.

It is the police view that had CCTV been in operation it certainly would have improved the chances of bringing the offenders to justice.

As a result of these crimes advice has been given to the premises re the need for CCTV however this has been ignored and further crimes have occurred.

The police feel that these premises are undermining the Prevention of Crime Objective by not having CCTV in operation and therefore apply for a review of the licence to request a CCTV condition be imposed on the licence.

Please provide as much information as possible to support the application
(please read guidance note 2)

See attached documentation

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

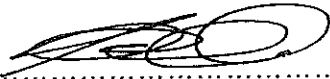
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

22/9/10.

Capacity

Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)
As above

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Anthony John Bushell**

URN

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Age if under 18 **Over 18** (if over 18 insert "over 18"). Occupation **Police Sergeant**

This statement (consisting of **5** 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.

Dated the **15th** day of **September 2010**Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature



1. I am Police Sergeant 1506 of the Lancashire Constabulary currently based on the Licensing Unit at Chorley, a post I have held since September 2004.
2. My duties include the provision of an administrative function with regards applications under the Licensing Act 2003, the identification of problem premises with a view to offer support and guidance and the enforcement of licensing legislation.
3. Dario's is a takeaway premises situated at 240a Station Road, Bamber Bridge which is licensed for Late Night Refreshment and has been since November 2005.
4. The Premises Licence Holder is Mr Hassan Malekzadeh.
5. The hours of operation at the premises are till 1am Monday to Saturday and till Midnight on Sunday.
6. These premises have recently come to police attention with regards some violent incidents that have occurred.

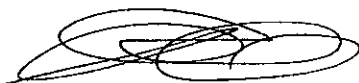
Signature



Signature witnessed by

7. At 01.10 hours on Sunday 5th August 2010 police received a call stating that a male had been beaten up outside Dario's, the offenders being a group of males who have made off from the area.
8. This incident was logged with the police under Log Ref LC-20100509-0128.
9. It would appear that the incident has started inside the premises and spilled outside, however the staff at the time stated they hadn't seen anything.
10. There was no CCTV available and it is reported that the manager was not forthcoming with providing details of the member of staff on duty at the time.
11. As a result of the assault the aggrieved sustained injuries to his face and hands as well as a broken arm.
12. To date no offenders have been arrested for this offence and the crime remains undetected (CM1001124)
13. Concerns were raised by the Police with the Local Authority and as a result Niky Barrett the Licensing Enforcement Officer for South Ribble and PS Robinson visited the premises on Friday 14th May 2010.
14. At the premises they spoke to the Premises Licence Holder about the concerns re having no CCTV and the subsequent failure to promote the licensing objectives.

Signature



Signature witnessed by

15. The Premises Licence Holder was advised to implement a CCTV system and that if he failed to do so he would put the licence in jeopardy should any further incidents occur.

16. On Monday 17th May 2010 I received a copy of a follow up letter sent to the Premises Licence Holder which is produced Exhibit Ref AJB1506/1

17. At 21.44 hours on Saturday 14th August 2010 police received a call from Mr Malekzadeh reporting a male having broken into his car and now fighting with the staff.

18. This call was logged LC-20100814-1878

19. Police attended and observed two males shouting abuse at the staff, as a result these two males were arrested.

20. During the arrest the males became violent and one of the offenders assaulted a Special Constable.

21. As a result of this incident two crimes were generated one being a public order (CM1002113) and the other assault on a police constable (CM1002090), due to the offenders being arrested these crimes were detected.

22. There was no evidence available to substantiate the allegation of any vehicle being broken into.

Signature



Signature witnessed by

23. At 21.09 hours on Tuesday 17th August 2010 police received a call from a Mr Dadpour at the premises stating that they were having problems with the youths from the incident the previous Saturday night.

24. On police arrival the males had left however the staff at the shop reported a similar incident the previous evening.

25. There was difficulty obtaining a statement from the staff member due to his poor command of English and there was no CCTV at the premises.

26. The youths were identified as the ones from the previous Saturday and were subsequently arrested, however they denied the offence.

27. Due to having no CCTV the youths were released for further enquiries to be made however the officer in the case believes there will be insufficient evidence to charge.

28. This incident resulted in a crime report (CM1002123) which to date remains undetected.

29. It is the view of PC Edwards who is the CBM for the area that the lack of CCTV in these cases has prevented offenders being brought to justice.

30. Including the crimes mentioned above there have been 7 crimes recorded at the premises of which 5 remain undetected.

Signature



Signature witnessed by

31. One of these is the serious assault mentioned above the other 4 are racially motivated crimes targeted towards staff at the premises.

32. It is clearly obvious that having no CCTV has prevented these offenders from being identified and brought to justice.

33. Having CCTV would clearly protect the staff, assist in detecting offences and may also act as a deterrent for further problems.

34. The fact that these premises have no CCTV, despite having been advised by the Police and Local Authority, is clearly undermining the licensing objective for the Prevention of Crime and Disorder.

35. It is for this reason the police have called for a review of the premises licence and request conditions be put onto the licence as stated below:-

Condition 1

A tamper proof CCTV system will be installed, operated and maintained in liaison with and to the satisfaction of Lancashire Constabulary, the system will record for 24 hrs each and every day.

Condition 2

There will be, at all times the premises is open, someone at the premises who can operate and download images from the system and provide a copy of these images to any responsible authority at the time of request.

Signature



Signature witnessed by

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Andrew Ian EDWARDS**

URN

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Age if under 18 "over 18" (if over 18 insert "over 18"). Occupation **Police Constable**

This statement (consisting of _____ 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.

Dated the 15th day of August 2010

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

Signature

I am Andrew Ian EDWARDS Police Constable 852 of the Lancashire Constabulary and I am currently performing duties as the CBM for Walton Le Dale.

I make this statement in relation to an incident on Saturday 14th August 2010 where I had cause to arrest two youths I know to be Jordan MELLING and Joshua DUFFELL.

The place I will mention in this statement is Dario's Takeaway at 240 Station Road, Bamber Bridge.

The people I will mention are PCSO 7010 Gareth WESTHEAD, and Special Constable 9099 Rob DIXON

Around 9.50 p.m. on Saturday 14th August 2010, I was on mobile patrol on Station Road at Bamber Bridge, when as the result of a radio communication I attended Dario's takeaway.

Outside I saw two youths I know as Jordan Melling and Josh DUFFELL. MELLING was wearing a white T Shirt and DUFFELL a Black T shirt. Both youths were stood outside the Takeway shouting "DIRTY BOYS" I spoke to both youths and MELLING continued to shout

"DIRTY FUCKING BASTARDS 5 POUND BLOW JOBS YOUNG GIRLS IN THE BACK DIRTY FUCKING BASTARDS" At the time there were a number of members of the public

on the street who were gathering and looking at what was going on, the staff at Darios were also outside the shop. I warned MELLING to moderate his language but he continued shouting

"DIRTY FUCKING BASTARDS HAVING YOUNG GIRLS IN THE BACK OF THE SHOP." I informed him that he was being arrested for a Public Order Offence and cautioned

Signature

Signature witnessed by

him he relied "OK LET ME GIVE THIS STUFF TO MY GIRLFRIEND". He handed some of his property to a female who was outside the Takeaway and then he was handcuffed to the rear and was compliant throughout. Before I could double lock the cuffs DUFFELL became agitated and aggressive shouting "DIRTY FUCKING BASTARDS" and moving aggressively towards the Takeaway shouting "COME ON YOU BASTARDS" I took hold of his left arm and told him that he was under arrest also he began to resist pulling away shouting "FUCKING GET OFF ME YOU PRICK". I leg swept him to the ground keeping hold of his arm and established control awaiting further patrols. When further patrols arrived DUFFELL became more aggressive thrashing out at officers with his free arm and legs. SC 9099 DIXON sprayed him with Captor to re establish control and he was handcuffed to the rear. I assisted DUFFELL to his feet and instructed him in reducing the effects of captor by standing into the wind. He was then placed into the rear of a waiting Police van for transport to Custody. MELLING was taken to Bamber Bridge Police Station to await transport.

At 01.30 hrs on Sunday 15th August , in the presence and hearing of his mother Mary GONZALES, I charged DUFFELL with offences of Assault Constable and Sect 5 Public Order. Following caution he replied " I AM SORRY I WAS STUPID". He was bailed to appear at South Ribble Juvenile Court on 25th August.

At 01.55hrs the same date MELLING was issued with FPN A902046177 for Section 5 Public Order. Following caution he made no reply.

When attempting to obtain witness statements from staff it was clear that their command of the English language was poor, making statements difficult to obtain. When CCTV was requested in relation to what had occurred both inside and outside the shop it became apparent that the system did not record, or staff did not have the knowledge to utilise it. CCTV evidence would have been extremely beneficial in this case. Had the behaviour of both males not continued on arrival of the Police then prospects of a prosecution would have been severely diminished.

Signature

Signature witnessed by

On Tuesday 17th August, Police were again called to Dario's following an alleged incident of racially aggravated public order involving MELLING. When an officer attended to obtain a statement an further allegation was made in relation to the previous day Monday 16th August where it was alleged that DUFFELL had attended the shop and been racially abusive to staff. The officer PC 3264 Gilfoyle experienced difficulty obtaining a statement due to the staff's poor command of the English language and when he requested CCTV he was informed that there was none. The only way staff could identify the persons responsible was by referring to the incident on the 14th. This necessitated me providing a witness statement to identify DUFFELL and MELLING.

When arrested and interviewed in relation to this offence both MELLING and DUFFELL denied the offences stating that CCTV would prove their innocence!! In interview both gave a number of alibi witnesses. Due to there being no CCTV alibi statements will now have to be obtained and further statements obtained from staff at Dario's. The amount of extra Police time and resources this will necessitate could have been avoided had CCTV been working.

Due to the above, it would appear unlikely that CPS will authorise charge for the racially aggravated Public Order offences. This will leave a relatively serious crime undetected and a lot of additional unnecessary work created for the police.

Signature

Signature witnessed by

Exhibit Ref

AJB1506/1

17th May 2010 26 August 2010

Premn0051

Mrs. N. Barrett

5357

01772 625357

01772 625590

Nbarrett@southribble.gov.uk

Mr Malekzadeh
Dario's
240A Station Road
Bamber Bridge
PRESTON
PR5 6EA

Dear Mr Kurt

Licensing Act 2003 – Darios, Station Rd, Bamber Bridge

I am writing to confirm the advice given to your staff during my visit on Friday 14th May 2010. The joint visit by myself and PS1364 Robinson, was in response to an assault the previous weekend involving your customers.

Whilst I would like to stress that we have not attributed any blame on your staff or the operation of your premises, for this violent incident, the lack of functioning CCTV at the premises has hampered the Police investigation into the crime and compromised their ability to detect the offenders responsible.

I would urge you to either repair the cameras that are installed at the premises or replace them with a working system to protect your staff and customers in the event of similar acts of violence.

At the moment there is no legal requirement on you to have CCTV however, as premises that are licensed to trade after 11pm, you do have a duty to promote the licensing objectives, which include the prevention of crime and disorder and public nuisance.

Should you decide not to follow this advice, it is possible that Lancashire Constabulary may seek to review your licence. Using the review process, they may ask the Licensing Authority to place conditions on your licence requiring you to install, maintain and operate CCTV to the satisfaction of the force's crime prevention officer.

Yours sincerely

Mrs. N. Barrett
Licensing Enforcement Officer

c.c. PS1364 Robinson, Bamber Bridge NHPT
PS1506 Bushell, Southern Division Police Licensing Unit