

WITNESS STATEMENT

(CJ ACT 1967, s.9;MC Act 1980, ss.5A(3)(a) and 5b;MC Rules 1981, r.70)

Statement of Carmel Brennand

Age/Date of Birth – Over 21 Occupation – Senior Liaison & Enforcement Officer

This statement (consisting of 2 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 for prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated 29 March 2016

Signature :

I am the above named person. I am employed full - time as a Senior Liaison and Enforcement Officer with Leeds City Council's Entertainment Licensing Section. My duties include visiting licensed premises with other agencies to ensure compliance under the Licensing Act 2003, in promoting the four licensing objectives; the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm.

This statement is further to my statement of 28 January 2016 and 1 March 2016.

On Wednesday 9 March 2016 I received an email from Mrs Emma White, Licensing Officer within the Entertainment Licensing Section advising that Mr Mirabadi, the prospective new Premises Licence Holder for East European Foods, 11 Harehills Road, had attended reception to pay the annual fee and request a change of name for the premises. Mrs White reminded Mr Mirabadi that I was still waiting for CCTV footage going back 31 days.

At 2:50 pm on Thursday 10 March 2016 Mr Mirabadi, the Premises Licence Holder and Mr Mohammed, the Designated Premises Supervisor attended at reception. Mr Mohammed handed me a USB Memory Stick. I was able to download the data from the stick on to my computer. I went through the menu and the first items were 2 stills of a male who appeared to be trying to lift the shutter on the shop on 18 December 2015 at 3 am in the morning. I proceeded through the menu and was able to view CCTV footage from the 10 February, then 12th, then the 10 March 2016. I went back to the gentlemen and advised that although I had been able to view the footage back to the 10 February, the condition stipulates 31 days and they had only supplied 29 days. I confirmed that ' Yes, I have seen 31 days footage on the system but you need to be able to download it in order to prove it'. The gentlemen said they would go straight back to the shop and download the footage from 8 February and bring it back down to me. I told them that I may not be at the office when they returned.

When they asked when I was next back in the office, I told them Tuesday 15 March. I explained to both of them that regardless of them now probably complying with the conditions on the licence, because it had taken so long; the review process had started and therefore the hearing would still go ahead. I advised that they should both attend the hearing which was more than likely to be heard on 5 April at the Civic Hall but they would be served papers giving all the details.

On Friday 11 March 2016 Premises Licence PREM/03296/012 was issued and posted out to the premises at 11 Harehills Road now known as DJ Off Licence. The Licence, effective from 24 February 2016 has Mr Hassan Mirabadi specified as the new Premises Licence Holder and Mr Shores Mohammed remaining as the Designated Premises Supervisor.

On my return to work on Tuesday 15 March 2016 I noted an email from my colleague Mr Robert Stirk, Principal Officer within the Entertainment Licensing Section that a USB stick for East European Foods had been brought in just after 4 pm on Thursday 10 March. The USB stick had been left in the locked evidence cupboard. I retrieved the USB stick and downloaded the data onto my computer. I noted that the data I had seen the previous week was still on but that there were extra files. I scrolled through each new file and viewed CCTV footage from 8 February 2016. From Channel (camera) 1, I was able to view footage from 00:03:09, 00:13, 00:23, 00:33, 00:43 and 00:53. I scrolled through the files and was able to view the footage from the same times from Channels 2,3 and 4.

I am now satisfied that there are 31 days footage on the system and that staff can operate the system and download footage at the request of authorised officers which is all stipulated within the conditions, specifically:-

12. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.

14. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.

Please state the ground(s) for review – continued from Page 4 of the original application

On 10th February 2016 the Application for Review was received at the Entertainment Licensing Section, therefore deemed as being served on all the responsible authorities and the operator of the premises.

On 11th February 2016 Leeds City Council Enforcement Officers attended outside the premises and attached a blue review notice to the lamp post nearest the front door. The officers entered the shop and informed the Premises Licence Holder and Designated Premises Supervisor Mr Shoresh Mohammed of the placement of the notice. He confirmed he had received the review papers. He also stated that the CCTV was now working. He was advised the review process had started, that it would be heard on 5th April 2016 but that would be confirmed by letter.

On 12th February 2016 Mr Shoresh Mohammed attended at the Entertainment Licensing reception with Mr Amiri to submit an application in respect of Biedronka. Both gentlemen stated that the CCTV in their respective shops was now correct. When asked if their CCTV was recording for 31 days, they both replied in the affirmative. I advised both gentlemen that the review process would still progress but that I would speak to my supervisor about coming out and rechecking.

On 17th February 2016 I telephoned Mr Mohammed and left a message on his voicemail advising that I would be visiting his shop tomorrow to recheck the CCTV and make sure all the conditions are complied with, i.e. the time and date, 31 days footage, that someone can operate the system and have spare DVDs or USB memory sticks for downloaded material.

On 18th February 2016 a Leeds City Council Enforcement Officer together with the Leeds District Police Licensing Officer attended at the premises and met with Mr Mohammed and his partner. She was able to operate the CCTV system and able to show us footage from midnight on the 18th January 2016. She was also able to show several earlier times in the day. When she was advised that the time on the monitor downstairs was 5 Minutes out, she was able to correct the time stamp. However when asked if she could download some of the footage Mr Mohammed stated he had no DVDs or USB memory sticks. Mr Mohammed was advised to purchase some and download 5 minutes of footage from 1 day ago, 31 days ago and 3 days in between and bring the footage to me at Entertainment Licensing.

On 24th February 2016 Mr Mohammed attended at Entertainment Licensing reception to submit an application to vary the Premises Licence Holder from him to Mr Hassan Mirabadi. When asked if he had brought DVDs with the CCTV footage, he stated he would bring them in the following day.

On 7th March 2016 the additional information to be included in the review application was received at the Entertainment Licensing Section and therefore deemed served on all the responsible authorities and Mr Mohammed and Mr Mirabadi.

On 9th March 2016 the new Premises Licence Holder Mr Mirabadi attended at the Entertainment Licensing reception to pay the annual fee for the shop and to change its name to DJ Off Licence. Mr Mirabadi was reminded that we were still waiting for the downloaded CCTV footage.

On 10th March 2016 Mr Mohammed and Mr Mirabadi re attended at Entertainment Licensing reception with a USB memory stick. I was able to plug the USB stick into my works computer. The initial data I was able to view were 2 stills of a male outside the shop on 18 December 2015 at 3 am in the morning, trying to lift the shutter. I went through the list of data and was able to view footage from various dates going back to the 10th February 2016, this being only 29 days retention. I advised the 2 gentlemen that although I had seen footage from 31 days ago on the system, they still needed to evidence this by downloading it. They said they would return with the relevant footage. They were advised that I would be away from the office until the following Tuesday. I reiterated that even if they supplied this data, the review process would still proceed and they should both attend the hearing on 5th April 2016.

On 11th March 2016 the new Premises Licence PREM/03296/012 with Mr Hassan Mirabadi specified as the Premises Licence Holder and Mr Shiresh Mohammed remaining as the Designated Premises Supervisor, was posted out to the premises.

On 15th March 2016 I was able to check the data on the USB stick that had been brought in for my attention late on the 10th March. I was able to view footage from various times during the day of the 8th February 2016. This satisfied the most important conditions CCTV conditions, namely:-

12. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be of good quality.

14. A designated member / members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage,

as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.

Chronology of events.

Key			
PLH	Premises Licence Holder	CB	Carmel Brennand
DPS	Designated Premises Supervisor	PR	Paul Rix
WYP	West Yorkshire Police	LD	Lynn Dobson
PL	Premises Licence	DC	David Crossley
CCTV	Close Circuit Television		
LCC	Leeds City Council		
ELS	Entertainment Licensing Section		
Date	Reason	Result	
2013			
5.2.2013	Application for the grant of a Premises Licence		
6.3.2013	Premises Licence issued	PLH Ziring M Mahmood DPS Kardo U Abdullah	
2014			
25.2.2014	Application to vary PLH		
26.3.2014	Premises Licence issued	PLH Shores H Mohammed DPS Kardo U Abdullah	
9.10.2014	Application to vary PLH & DPS		
24.10.2014	Premises Licence issued	PLH Dahen Mohammed DPS Dahen Mohammed	
4.11.2014	Application to vary PLH		
19.11.2014	Premises Licence issued	PLH Shores H Mohammed DPS Dahen Mohammed	
2015			
24.3.2015	Application to vary PLH		
8.4.2015	Premises Licence issued	PLH Gierbuszewska Ewelima DPS Dahen Mohammed	
18.5.2015	Application to vary PLH		
1.6.2015	Premises Licence issued	PLH Alan Amiri DPS Dahen Mohammed	
19.8.2015	Application to vary PLH & DPS		
3.9.2015	Premises Licence issued	PLH Shores H Mohammed DPS Shores H Mohammed	
10.9.2015	Complaint alleging operating outside permitted hours	Warning letters posted to PLH/DPS at premises and home address	
20.9.2015	CB & PR visited premises. PLH /DPS not on site. Spoke to 1 x male staff	Part B of Premises Licence not displayed Staff unable to operate CCTV system. Business card left for PLH/DPS to contact CB	
7.10.2015	CB & LD visited premises with probationer officer. PLH/DPS on site & 1 member male staff	Part B of Premises Licence not displayed PLH/DPS admitted CCTV not recording. Advised premises would be revisited	
9.10.2015	Warning letter to PLH/DPS posted to the premises	No contact from the PLH/DPS	
4.11.2015	CB & LD visited premises with probationer officer. PLH/DPS on site & 1 male staff	Date & Time on CCTV monitor incorrect. Neither PLH/DPS nor staff could show any recorded footage. Part B of the Premises Licence not displayed	

Chronology of events.

10.11.2015	Warning letter re breaches and revisit w/c 16.11.15 posted to PLH/DPS at the premises	No contact from the PLH/DPS
17.11.2015	LD & Imaging Officer attended at premises. PLH/DPS on site.	CCTV system had only 3 days footage recorded
14.12.2015	Warning letter re breaches and revisit on 8.1.16 posted to PLH/DPS at the premises	No contact from the PLH/DPS
2016		
8.1.2016	CB & DC visited premises. PLH/DPS & 1 staff on site	Still only 3 days footage retained. PLH/DPS advised formal action will be taken.
10.2.2016	Review application received by Leeds City Council Entertainment Licensing	All other Responsible Authorities and PLH/DPS deemed served
11.2.2016	CB & PR posted Review notices outside the premises. Spoke to PLH /DPS on site said CCTV was now working.	Review notice to remain in situ for 28 days with periodic checks
12.2.2016	PLH/DPS attended at ELS reception. He stated that CCTV was working and had 31 days footage	Advised PLH/DPS I would have to get instruction from Principal Officer
17.2.2016	Rang PLH/DPS to advise would revisit premises following day	
18.2.2016	CB & LD attended at premises and viewed CCTV from 31 days prior. However PLH/DPS unable to download footage.	Advised to download & supply footage from 31 days and 1 day ago and a selection of 3 dates in between, asap to CB
24.2.2016	PLH attended ELS reception with application to vary PLH	Reminded that need downloaded footage from CCTV
7.3.2016	Additional statements to be included in the Review application received by LCC Entertainment Licensing	All other Responsible Authorities and PLH/DPS deemed served
9.3.2016	New PLH Mr Hassan Mirabadi attended at ELS reception to pay annual fee and change the name of the shop	New PLH reminded that still awaiting CCTV footage
10.3.2016	Mr Mirabadi and Mr Mohammed attended at ELS reception with USB Memory Stick	CB able to view footage from 29 days prior and 12 Feb & 10 March. Advised need evidence of 31 days.
11.3.2016	Premises Licence issued for DJ Off Licence	PLH Hassan Mirabadi DPS Shoresh H Mohammed
15.3.2016	CB viewed CCTV footage from 8 February on USB stick supplied by Operator late 10.3.16	Operator now compliant with all CCTV conditions