

RESTRICTED (when complete)

WITNESS STATEMENT

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

URN:

Statement of: **STUART LESLIE TAYLOR**

Age if under 18: **OVER 18**

Occupation: **POLICE COMMUNITY SUPPORT OFFICER - 40215**

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 anything in it, which I know to be false, or do not believe to be true.

Signature: *Stuart Taylor*

Date: 02/12/2020

Tick if witness evidence is visually recorded: (supply witness details at end)

I am the person named above and I am currently employed as a member of WEST MERCIA POLICE. I am stationed at RUBERY POLICE STATION, 164 NEW ROAD, RUBERY, BIRMINGHAM, B45 9JA and hold the position of a POLICE COMMUNITY SUPPORT OFFICER, collar number 40215.

On Friday 27th November 2020 at approximately 20:45hrs I attended the DEEDAR restaurant, 26 HEWELL ROAD, BARNT GREEN in company with PCSO 6715 MARK HYDER.

I spoke with a member of staff DILDAR HUSSAIN. I asked if he could give us CCTV footage for Friday 20th November between 20:00 and 21:00hrs. He stated that the CCTV could not be accessed by staff members as you need a ladder to reach it. He then pointed at the floating ceiling and said the base unit is up there, you'll need a ladder. He then stated they could not operate the unit anyway as they call in a security person to deal with it; plus we'd also need to bring something to transfer the file to.

I took the member of staffs name and left the premises.

Signature:

Signature witnessed by:

WITNESS STATEMENT

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967. s.9)

URN:

Statement of: Richard Paul FIELD

Age if under 18: Over 18

Occupation: Police Officer

This statement (consisting of 1 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 may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: R. P. FIELD

Date: 02/12/2020

I am Police Sergeant 2458 Richard Paul Field of West Mercia Police. I currently work for West Mercia Police out of Kidderminster Police Station where I supervise staff from the Problem Solving Hub which includes licensing functions.

On Tuesday 1st of December 2020 I wrote an email to Dildar HUSSAIN requesting CCTV after PCSO TAYLOR was advised that the CCTV was in the loft. Mr. Dilar replied to this email and I exhibit this as RPF/2, the reply is below:-

"Hello Richard

After receiving your email, I tried to get the Cctv footage to pass onto you. After accessing the dvr it can only take me back to 22/11/20.

When your officers came to retrieve the footage I couldn't get access to the dvr due to were it is located.

I have not denied anything what your officers have said on the night they came to the restaurant (20/11/20) So I don't see what difference the footage would make to the decision of the licencing committee, In regards to my alcohol licence.

Sorry I could not be of any help this time around and I will give the police my full cooperation when required.

Thank you

Dildar Hussain"

R.P.FIELD

Signature:

Signature witnessed by:

2020

Field, Richard/12/20

EXHIBIT RPF/2

On Tue, 1 Dec 2020 at 18:12 Dildar Hussain Wrote:

Hello Richard

After receiving your email, I tried to get the Cctv footage to pass onto you. After accessing the dvr it can only take me back to 22/11/20.

When your officers came to retrieve the footage I couldn't get access to the dvr due to were it is located.

I have not denied anything what your officers have said on the night they came to the restaurant (20/11/20) So I don't see what difference the footage would make to the decision of the licencing committee, In regards to my alcohol licence.

Sorry I could not be of any help this time around and I will give the police my full cooperation when required.

Thank you

Dildar Hussain

On Tue, 1 Dec 2020 at 14:51, Field, Richard wrote:

Dear Mr. Hussain,

PCSO Stuart Taylor attended the Deedar Restaurant on Friday 27th November 2020 to formally request CCTV from staff following an alleged breach of Licencing and Coronavirus legislation on Friday 20th November 2020.

This CCTV will be used for the licencing hearing to test the truthfulness of your account where you stated that the business was only operating as a takeaway. West Mercia Police

will review footage from 20.00-21.00 hours from the 20th November to confirm or deny the Police Officers view that people were consuming alcohol and food on the premise.

PCSO Taylor informs me that staff outlined that the CCTV is in the loft and the police would need to bring ladders and something to burn into onto. I would like to point out

that it is not the Police's responsibility to get this CCTV from the loft but one of the management of the business to provide this in a reasonable amount of time upon request of the police.



West Mercia Police formally requests this CCTV is provided by the 3rd of December 2020 to reasonably allow enough time for us to review the footage and make comment

at the hearing.

I will look forward to your response.

Best Wishes

Rich.

PS 2458 Richard Field

Sergeant, Problem Solving Hub, North Worcestershire

WITNESS STATEMENT

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967. s.9)

URN:

Statement of: KIRSTY NORRIS

Age if under 18: 0'18

Occupation: POLICE CONSTABLE

This statement (consisting of 3 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 may be required to attend court and that I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: K. NORRIS

Date: 8th December 2020

I am PC 1271 NORRIS of West Mercia Police currently stationed at Kidderminster Police station, I am currently the Licencing officer for North Worcestershire.

On Tuesday 8th December 2020 I was on full uniformed duty when I attended DEEDAR INDIAN CUISINE, 26 HEWELL ROAD, BARNT GREEN, B45 8NE.

My body worn video was activated throughout the visit, I attended the premises to conduct a full licencing check and to check the premises was complying with covid rules. As I entered the premises I was met by a colleague from Worcestershire Regulatory Services who was doing a food hygiene/safety inspection and a male who identified himself as the manager and new DPS a DILDAR HUSSAIN bn 26/05/83.

At that point in time the premises was open but there were no customers seated just one waiting for a take out. There was one other member of staff behind the bar/till area and I could hear a member of staff in the kitchen area. HUSSAIN stated to me he wasn't sure if his application to become the new Designated Premises Supervisor had been approved by Worcestershire Regulatory Services as he had not been notified. There was a sign visible by the entrance that stated they currently wouldn't be selling any alcohol to customers due to complications with the licence.

There was a copy of the premises licence summary present and it was shown to myself however it was not displayed, HUSSAIN stated he had taken it down due to it being old and having the old DPS details on, he stated there was no other copies of the premises licence anywhere and he didn't have a copy of the full licence.

Signature:

Signature witnessed by:

2020

Norris, Kirsty/12/20

Statement of: KIRSTY NORRIS

URN:

HUSSAIN also stated he did not have a copy of the site plan and had never seen one. There was also no authorised sale of alcohol document, although their licence is currently suspended HUSSAIN stated there had never been one and he wasn't aware of any other personal licence holders that worked on the premises, he also did not seem to understand that staff members must be given some kind of permission to be allowed to sell alcohol. There was no refusal book and no age verification on any of the tills, there was no incident book and HUSSAIN stated there never had been one.

HUSSAIN stated that they did have CCTV but he cannot download it and if officers required any footage he would have to call the engineer for the CCTV system, he stated he can view, playback and record the CCTV on his personal mobile phone but that was all, he stated the footage only lasted 11 days before it was over written.

HUSSAIN stated there was no drugs policy as he did not believe his premises had an issue with it, he stated there were random checks on the toilets but these were not recorded anywhere. Mr. Hussain also stated that none of the staff were trained in anything, no age challenges, drunk awareness etc etc.

With regards to Covid, there was no covid risk assessment in place at the premises, there was the NHS QR code at the front entrance, inside and on the toilet doors and they did have a paper equivalent available for people who did not have the app, however these paper records were just stored loose under the till, they were not securely locked away. HUSSAIN stated if people didn't use the code or fill in the form there was nothing they could do as they had already served them food and alcohol. It was explained customers needed to be doing this as it was mandatory and they should be refused service if they refused, I suggested that it was done when the customer entered and before they were even seated to avoid any issues.

There were no signs to customers about wearing masks, HUSSAIN stated most of his staff wore face mask when working but one member of staff has asthma and wore nothing, I advised him this was not acceptable and he needed to ensure there was a face shield available for that member of staff to wear instead of a mask. I spoke to the member of staff behind the till and he stated that any face shields they had to buy themselves and they were only provided with disposable masks for face coverings.

Signature:

Signature witnessed by:

2020

Norris,Kirsty/12/20

Statement of: KIRSTY NORRIS

URN:

It was clear some of the tables were far too close together and paper pull up signs had been placed between those close tables in an attempt to separate them, they were free standing and completely inadequate.

HUSSAIN stated that the tables of 2 were only there to be added to a table of 4 if they had a party of 6, I told him it needed to be moved and could not be used so close to the other tables.

Some of the gaps between tables in my opinion were less than a metre and when customers sat on those tables they would literally be next to each other to the point where they could hold hands comfortably without being stretched out they would have been so close. There were several tables this close to each other, the officer from Worcestershire Regulatory services stated he had also spoken to HUSSAIN about the seating arrangements. HUSSAIN was told the paper dividers he was using were not adequate and if he was going to add screens they needed to be separating seats/people and tables and not free standing as this provided no protection. HUSSAIN was also told if he was not going to use screens the back to back chairs must be at least a metre apart and any other tables/seats that would put people opposite or next to each other must be at least 2 metres apart to try and avoid close contact, he was told it would be easier and more covid compliant if some of the tables and chairs were removed however HUSSAIN seemed unhappy and unwilling to consider this option.

HUSSAIN stated he was in the process with the other part owners of the business in deciding if they wanted to hand in their premises licence for alcohol and just have customers bring their own, he was informed if he wished to sell food after 11pm and have music playing after that time he would still require a licence even if he didn't sell alcohol.

As part of my role I will be sending HUSSAIN a follow up letter with the advice and clarification about what he needs to do to improve the premises and ensure it is compliant. Worcestershire regulatory services will also be informing HUSSAIN via written communication about the improvements he needs to make to be of standard and sell food safely and with the correct allergen advice.

I exhibit my body worn footage as KLN/1, whilst there I also took 5 photos of the seats and the signs which I exhibit as KLN/2 through to KLN/6.

K. NORRIS

Signature:

Signature witnessed by:

2020

Norris, Kirsty/12/20

KN/2



KN/3



KN/4



Deedar

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On takeaway
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CURRY
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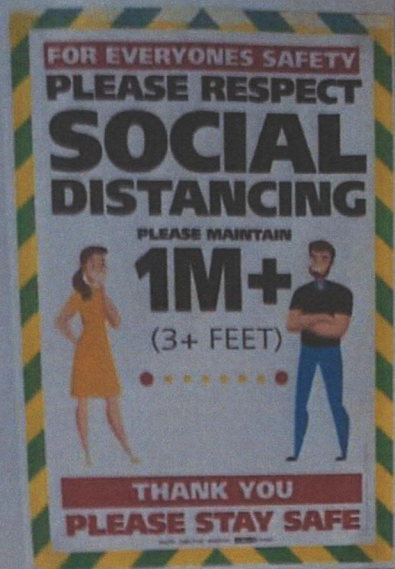
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KN/5



KN/6



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PLEASE
KEEP ONE METRE APART
தமிழ்நாடு அரசு
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