

APP
(B)

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2

Statement of **Anthony John Bushell**

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

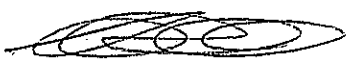
This statement (consisting of 10 page(s) each signed by me) is true to the best of my belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecute wilfully stated in it, anything which I know to be false or do not believe to be true.

Dated the 26th day of Aug 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 role covers the area of Southern Division of the Constabulary and incorporates the Local authority areas of South Ribble, Chorley and West Lancashire.
3. 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.
4. Best One (T&S Convenience Store) is located at 76-78 Market Street, Chorley, these premises were formally known as the Spar.
5. On 24th March 2010 we received two applications in respect of these premises, the first was to transfer the premises licence into the names of Mehboob Patel and Suhail Patel, there were no police representations made in respect of this application.

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6. The second application was to transfer the DPS at the premises into the name Mehboob Patel.
7. Upon speaking with Mehboob Patel it was discovered that he was already the DPS at another licensed premises in Blackburn so he was advised that we would be unhappy with his ability to manage two premises so far apart.
8. Mehboob stated he was only going on until his son Suhail Patel had passed the licensing course and was in a position to take over as DPS. Mehboob was advised that it might be better to put someone else on the licence in the meantime so no representation was made.
9. On 19th April 2010 we received an application nominating an Andrew Wharton to be the new DPS, the police had no representations to make re this, however as I understand the council rejected the application, this meant that Mehboob Patel remained on the licence as DPS.
10. Since taking over the premises I have been made aware of complaints from town centre officers re drunks congregating on the benches outside the premises.
11. I am aware that the town centre officers had been making attempts to remove these individuals however it was clear the reason for them hanging around the area was their ability to access alcohol from these premises

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12. These individuals having bought the alcohol would then sit outside the premises drinking.

13. Once drunk they would then cause a nuisance to persons in the town as they were being disorderly when drunk and then being sick on the benches, this behaviour was also having a detrimental impact on neighbouring businesses.

14. In addition to this issue I had received information to suggest young persons were also accessing alcohol from these premises.

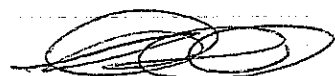
15. As a result of this information the premises was graded as Amber on the RAG document to ensure monitoring by police officers when on patrol.

16. Due to continued issues with the drunks outside the premises and the fact that one of the Premises Licence Holders, Suhail Patel had been arrested for assaulting a customer in the shop it was decided to carry out a joint visit with the Local Authority Licensing Officer to highlight our concerns and provide advice on improving the operation of the premises.

17. At 11.00 hrs on Tuesday 29th June 2010, in company with Stephen Culleton, Chorley Borough Council Licensing Officer I attended the premises for a pre arranged meeting with the management.

18. Present at this meeting were Mehboob Patel PLH and DPS, Suhail Patel PLH and proposed new DPS and Inayat Patel who was the brother of Mahoob.

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19. It was outlined at this meeting there were three areas of concern these being; sale of alcohol to underage persons, the town centre drunks and the assault on a customer by Suhail and that the object of the meeting was to look at the issues and offer support to ensure effective management.
20. It was stated that we were concerned that there was no DPS at the premises as he was at the other shop in Blackburn and that Suhail was the manager.
21. They were advised that they needed someone at the premises to ensure alcohol sales were carried out professionally – we were assured that when Suhail had his licence he would become the DPS, it was however pointed out that due to the assault charge this may prohibit him getting a licence.
22. There appeared to be no effective training procedures for staff and there was a new member of staff who they stated they would put on the course.
23. The premises had adopted the Challenge 25 policy and they had in place a book where customer ID's were kept and each customer was given a number they could quote when purchasing age restricted products.
24. A check was made of this document and it was found to contain 3 photocopies of passports that were out of date and that they were accepting any form of ID.
25. The premises were advised that this was not effective and needed to be amended.

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26. A check of the refusal register also found it to be ineffective and advice was given to alter the forms to show where ID had been refused and to include where ID is asked for and provided correctly.

27. We raised concerns re the opening hours of the premises and the number of staff employed – we were advised that they were looking for additional staff.

28. It was also pointed out the Suhail as the manager needed to portray himself in a more professional manner with regards the way he was dressed.

29. It was suggested he wore a shirt and tie to work as opposed to a football shirt and cut off jeans which portrayed a less than professional image.

30. The issue re sale of alcohol to the town centre alcoholics was raised and the premises was advised that it had to stop, and the premises needed to put measures in place to discourage them from hanging around the shop.

31. It was suggested that these people tended to buy Frosty Jack Cider and that a consideration may be not stocking it in future.

32. It was also highlighted that they knew the individuals involved and that they were alcoholics and in selling them alcohol they could be committing offences if they were drunk and should problems persist then we would consider a review of the premises licence.

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33. We were assured by those present that they would adopt all our recommendations and there would be no more sales to the drunks.

34. Some time later I was made aware that on 5th June 2010 Trading Standards officers had conducted a test purchase for cigarettes at the premises and that they had failed, selling to a 14 year old girl.

35. The seller on this occasion was Tariq Patel who is the son of Mehboob and younger brother of Suhail.

36. In response to this we carried out a test purchase for alcohol at the premises on 16th July 2010.

37. On this occasion the premises failed selling a bottle of wine to a 15 year old girl, the seller being Tariq Patel who elected to attend the ARAR Course.

38. As a result of this failure the premises were upgraded to RED in the RAG document which signifies formal action is being taken against the premises

39. In a follow up test purchase carried out on 23rd July 2010 the premises passed however when they challenged the test purchaser they asked if they were 18 to which they replied "No".

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40. Due to the fact that our test purchasers are instructed to tell the truth if they are asked their age I did not feel this was an effective challenge so arranged to carry out a further test purchase.

41. On Wednesday 4th August 2010 I was contacted by PCSO Jones who wanted to raise a concern re the premises in that on the previous Saturday she had spoken to the staff at the shop as the drunks were hanging around outside.

42. She had informed the shop not to sell to these individuals and they had agreed.

43. Upon returning to the police station a short time later she observed a member of staff handing over a carrier bag to the drunks which contained what appeared to be cans of alcohol.

44. As a result of this I immediately attended the premises in company with PCSO Jones and asked to speak to the manager.

45. The manager appeared and I expected to see Suhail however Tariq presented himself as manager, when asked where Suhail was he stated he was having a break at the other store.

46. I pointed out why I was there and that I was disappointed that despite having been warned about selling to the drunks his staff had ignored the advice and sold them alcohol.

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47. The member of staff who handed over the alcohol was identified as Mohammed Sajid and upon checking the CCTV footage at the premises it was seen that Sajid had gone outside, taken money off the drunks returned to the shop and then delivered the alcohol to them in a bag.

48. Sajid confirmed that the bag contained 8 cans of Stella Artois and that he was instructed to do this by another member of staff Shamsoddin Patel.

49. Patel was identified by PCSO Jones as the person she had spoken to the previous Saturday.

50. At this point I informed Tariq that I was unhappy with the management of the premises and would be considering a review of the premises licence.

51. I handed him my card and requested he inform his father Mehboob Patel to contact me.

52. On 6th August 2010 I again conducted a test purchase at the premises which again passed but again they asked the age of the test purchaser who told the truth.

53. On 12th August 2010 I was on a test purchase operation in Chorley and decided to try the premises again, however on this occasion I told the test purchaser that if they were asked if they were 18 they should say "Yes".

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54. This action was in line with that outlined in the LACORS guidance for test purchase operations under Section 3.4 c).

55. The premises failed selling the 16 year old girl a bottle of wine again they asked if she was 18 when she replied "Yes" she was sold alcohol with no other checks being made.

56. The seller on this occasion was again Tariq Patel and arrangements were made for him to attend the police station for an interview under caution.

57. At 09.56 hrs on Wednesday 25th August 2010 Tariq attended Chorley Police Station where he was interviewed under caution.


58. During the interview he admitted the offence stating he thought the girl looked 18 or 19.

59. It was confirmed that he operated a 25 policy and when asked if she looked 25 he stated she didn't but could give no reason why he had failed to comply with his own policy.

60. At the end of the interview Tariq was given a police caution for the offence.

61. It is clear that these premises are badly managed and have now failed a total of 3 separate test purchases.

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62. They have been blatant in their disregard for advice given by the police and indeed have shown contempt by selling alcohol to drunks within 30 minutes of being warned not to do so.

63. There is no effective management of the premises the DPS is never there and the proposed manager Suhail would appear to have been removed and replaced with his younger brother.

64. I am aware that the other premises in Blackburn have also failed two test purchases and they are subject to review proceedings.

65. Taking into consideration all the issues at both these premises and the premises in Blackburn I would recommended a full revocation of the premises licence as I cannot see any of the lesser review sanctions being appropriate enough to ensure compliance.

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