

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

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Statement of: PC Peter Rackham

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police service

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 to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: _____ (witness)

Date: 28/12/2016

I am PC 21945 Rackham and I am employed by Hampshire Constabulary as a Police Constable. I am currently employed on the Alcohol Harm Reduction and Licensing Team.

This is my statement in relation to a visit I performed at Ali Baba, 50 London Road, Portsmouth where I noted that the premises was still open past its permitted operating hours given under the Licensing Act 2003.

Ali Babas is a fast food takeaway outlet, licensed for the provision of hot food and drink under the Licensing Act 2003 between 23:00 – 00:30 hours 7 days a week. The customer entrance leads directly to a small waiting area. In front of which is a counter containing a till, paperwork and also online ordering computers. Behind the counter is an open kitchen area with, kebab spits, food preparation areas, food storage areas, Vats of oil to cook items in and also a large mechanical pizza oven. Beyond this area is a door which leads to the rear of the premises. At the rear is a small parking area, stairs which lead to a flat above the premises and Ashling Lane a road which backs onto residential areas.

In this statement I will refer to two main characters. Shams SAHAK [REDACTED] whom I shall refer to as SHAMS and Fazal SAHAK [REDACTED] whom I shall refer to as FAZAL.

On Saturday 24th December 2016 at around 02:30 hours I was on duty in plain clothing when I drove past Ali Babas on the London Road side of the premises. I could see that the premises lights were on. I could not see fully into the premises as it appeared bed sheets were up at the window. I parked the unmarked Police vehicle I was in, in Ashling Lane and approached the rear of the premises on foot. I could smell the smell of cooked food coming from the premises. I also saw a car parked at the rear of the premises. The car had a sat nav which was still on and was showing the Portsmouth area. It appeared that the vehicle had recently been used to travel somewhere in the Portsmouth area. I tried the door at the rear which was unlocked.

At this point I believed that the premises was in the process of being used for licensable activities, namely the provision of hot food. Knowing that the premises licence only permitted the provision of hot food until 00:30 hours each day and also seeing the items described previously I believed that an offence under Section 136 of the Licensing Act 2003 was being committed. As such I entered the premises via the unlocked rear door. I entered using my powers under section 180 Licensing Act 2003.

On entering the premises I could hear the whirr of extraction fans, the smell of cooked food was much stronger. I could see 4 males on the premises one of which was SHAMS. The other three all appeared to be of Middle Eastern Appearance and were between the ages of 40 and 60.

I withdrew my Warrant Card from my pocket and called out "HELLO POLICE". SHAMS approached me and I introduced myself by name and showed my Warrant Card to him. I advised him that I worked in the Police

Signed :

Signature witnessed by :

Licensing team and that I had a legal power under Section 180 of the Licensing Act 2003 to enter and search the premises as I believed that an offence under the Licensing Act 2003 was being committed, namely the provision of hot food and drink when an authorisation was not in place. At this point SHAMS was stood directly in front of me, preventing me from walking past him. I advised SHAMS that I wanted to walk past him into the kitchen/food preparation area to look around. SHAMS stated that he wanted to check who I was. I again showed my warrant card, Police Radio to him and explained again my power to be on the premises and what my intention was. I also advised SHAMS that it was an offence to obstruct a Police Officer for which he could be arrested for and prosecuted. SHAMS asked why I was not in uniform. I advised him that I did not require a uniform to perform my role and that the powers I was using did not state that I needed to be in uniform to use them. I again asked SHAMS to move to one side in order that I could move into the food preparation area. SHAMS refused.

At this point I noted that the other males on the premises were leaving via the back door. I requested another unit to attend the premises in order that I could satisfy SHAMS who I was and also assist me in facilitating my role as it was clear that without them the only way I would achieve access to the rest of the premises was by arresting SHAMS and potentially having to use a level of force to do so.

At around 02:40 hours two officers in uniform attended and confirmed who I was. SHAMS then allowed me access to the rest of the premises. On entering the kitchen area I noted that two kebab spits, Lamb and Chicken were turning on the kebab cooker. I also noted that the vats were full of oil and were switched on. The mechanical pizza oven was also switched on and working. It was quite clear that the premises was being used to cook hot food.

Whilst at the premises I noted two boxes of till receipts which showed timings and dates for after permitted hours. These were positioned next to the till system. I seized these under Section 19 PACE and produce them as PR/AB/01 – Receipts seized from Ali Baba.

Whilst at the premises I asked to speak with Mr YAQUBI the Premises Licence Holder. SHAMS called a number and shortly after this FAZAL attended. He stated that Mr YAQUBI was ill and unable to attend and that he was the manager for the premises. I advised FAZAL of the situation and that he needed to ensure that he did not operate past his permitted hours.

Whilst speaking with FAZAL another male entered the premises and spoke with SHAM. The male picked up a plastic bag which had been sat on the side and left with it. On being asked what he was doing he advised that he was the delivery driver and had been delivering food all evening.

Signed :

Signature witnessed by :