

WITNESS STATEMENT

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

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Statement of: **Jarrold Heath Paterson**

Age if under 18 over 18 (if over 18 insert 'over 18') Occupation: Police officer

This statement (consisting of two 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

Date 5th February 2021Tick if witness evidence is visually recorded (supply witness details on MG11b)

I am PC 1864 Paterson of Leicestershire police currently based in the professional development unit.

On the evening of Sunday 6th December 2020 I was on duty in full uniform in company with PS 1918 Willoughby, PS 3029 Leggate and PC 1684 Culverwell when at around 1930 hours we made my way to the Uni off licence, 39 Western Boulevard, Leicester following a call from a member of the public stating there was a male with a bat and a hammer and the male in question was the owner or owner's son of the shop. The caller had been arguing with him regarding the sale of single cigarettes.

On our arrival we were met outside by the caller and his two friends, who were all intoxicated. They stated that they were banned from the shop but had entered nevertheless to purchase some single cigarettes, an argument has then ensued with the shop keeper who has then produced a hammer and a baseball bat and the three friends left the shop.

We then entered and spoke with a male who I now know to be Mr Nawzad SHARIF-NAZHAD, he stated that the three males are banned from the shop for continually shop lifting and causing problems and when he told them to leave they became abusive towards him. He seemed agitated with their behaviour whilst explaining this to me. He denied threatening them with a baseball bat or a hammer despite us checking behind the till area and locating a silver baseball bat which he still denied using.

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We asked to view the CCTV footage from inside the shop but he stated that he couldn't get it working, the three males then walked away and left the area.

I then called back at the shop on Wednesday 13th December to discuss viewing the CCTV but the member of staff (not SHARIF-NAZHAD) stated that it is recorded over every 24 hours.

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[Redacted signature]

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Signature:	#3301864 PATERSON, J.	Signature witnessed by:	
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WITNESS STATEMENT

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

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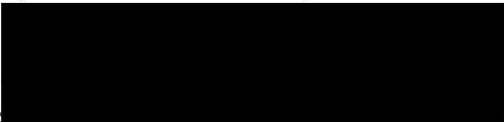
Statement of: Jefferson Pritchard

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

Occupation: Over 18

This statement (consisting of 9 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.

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Date: 08/02/2021

I am PC2093 Pritchard of Leicestershire Police, currently based at Mansfield House police station in Leicester city centre.

I am employed as the alcohol licensing officer for the central Leicester policing area.

My role involves acting as a point of contact for licensed premises and includes working with premises licence holders and designated premises supervisors in order to resolve issues. This incremental and partnership working approach is encouraged by the Licensing Act 2003.

This statement refers to a licensed premises known as "Uni" located a 39 Western Boulevard. Leicester. LE2 7HN. However, the premises was formally known as "Schnaps".

The Leicester City Council premises number is – LEIPRM1423.

The current premises licence holder and designated premises supervisor as of 13/02/2020 is Mr SHARIF-NAZHAD.

In September 2020, Leicestershire Police received some intelligence through Crime Stoppers alleging that foreign cigarettes were being sold from the premises. As a result the information was forwarded to Leicester City Council Trading Standards as the primary agency.

In December 2020, I became aware of an alleged public incident that occurred at the premises on Sunday 6th December 2020, which allegedly involved Mr SHARIF-NAZHAD. The relevant Leicestershire Police crime report stated that Mr SHARIF-NAZHAD was allegedly unable to operate the premises CCTV system. This seemed suspicious given the nature of the allegation and that it involved himself.

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Continuation of Statement of: Jefferson Pritchard

It was also noted that the premises had a relevant condition on its Leicester City Council premises licence, under Annex 3 (conditions attached after a hearing by the Licensing Authority), that stipulates *"the licence holder will ensure that the premises has a digital CCTV system installed and that the images are recorded at all times during the premises opening times and retained for a minimum of 31 days"*.

PC1864 PATTERSON who attended the original incident on Sunday 6th December 2020 and was later appointed as the investigating officer, later informed me that he had re-attended the premises on Wednesday 13th December 2020 to review the footage but was told by another staff member, that the CCTV footage was only retained for 24 hours and therefore no longer available.

Given the events of Sunday 6th and Wednesday 13th December 2020, a letter dated 16/12/2020 was drafted. Please see exhibit JJP01.

The above letter was hand delivered to the premises licence holder on Thursday 17th December 2020. The letter expressed the police's concerns about the incident itself, given the nature of the allegation and as a baseball bat was located behind the counter. But also as a criminal investigation had been hindered by the premises licence holders inability to operate the CCTV footage and later breach of its premises licence conditions, by not retaining CCTV footage for 31 days as per a condition of its licence.

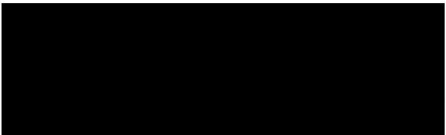
The letter reiterated Mr SHARIF-NAZHAD responsibilities as per the Licensing Act 2003 and advised him to adhere to the conditions of its Leicester City Council premises licence but also the principles of the licensing objectives.

Mr SHARIF-NAZHAD was advised that the letter should considered as a formal police, written warning.

On Thursday 17th December 2020, I attended the premises to conduct a licensing visit but to also serve the above mentioned letter (exhibit JJP01) upon Mr SHARIF-NAZHAD.

On my arrival, a single member of staff was working behind the counter and was serving a customer. However, there was no proactive screen and nor was he wearing a face mask/covering. Therefore committing an offence under the current coronavirus regulations and guidance. The staff member later gave his details as Mr Ali AMINI-MAZRE.

Whilst discussing the importance of current coronavirus regulations in order to prevent the aerial transmission of the disease, a male who I now know to be Mr SHARIF-NAZHAD walked into the premises whilst also not wearing a face mask/covering.

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As Mr SHARIF-NAZHAD entered the shop, Mr AMINI-MAZRE said something to him, I assume in their first language. Mr SHARIF-NAZHAD proceeded to walk past me carrying two large carrier bags but did not return until a short time later after depositing the bags in the rear stock room.

I proceeded to identify myself and explain the purpose of the visit. Mr SHARIF-NAZHAD confirmed that the premises CCTV footage was only retained for 24 hours, at which point I highlighted the relevant condition listed on its premises licence. I noted that only page one of its Leicester City Council premises licence was displayed on the wall behind the counter and not page two that lists the premises conditions. I therefore explained that all three pages needed to be displayed as per the law.

Mr SHARIF-NAZHAD was advised that the premises CCTV footage had to be retained for 31 days as per the licence and not 24 hours.

On challenging Mr SHARIF-NAZHAD as to why, he was not wearing a face mask/covering himself, he gave no reason and nor did he give a medical exemption reason. Nor did he make any attempt to put a mask on whilst I spoke to him inside the premises. In short, Mr SHARIF-NAZHAD displayed a blasé attitude towards the current coronavirus health pandemic.

I personally hand exhibit JJP01 dated 16/12/2020 to Mr SHARIF-NAZHAD. As I explained the contents of the letter Mr SHARIF-NAZHAD smirked throughout.

As a police officer and a police licensing officer I found Mr SHARIF-NAZHAD response to be disrespectful and unprofessional, given the seriousness of incident. Mr SHARIF-NAZHAD was advised that if he did take his responsibilities as premise licence holder and designated premises supervisor seriously, failed to uphold the law or promote the licensing objectives, then he shouldn't be surprised if the police sought to review his premises licence.

Mr SHARIF-NAZHAD stated that he would address the CCTV retention period issue and get it rectified over the weekend. I proceeded to inform him that it needed to be rectified immediately, if he wished to comply with the conditions of his licence.

Overall, I was very disappointed with the poor attitude shown by Mr SHARIF-NAZHAD during the visit in relation to adhering to the conditions of its premises licence and promoting the licensing objectives.

On Friday 29th January 2021, I completed a further visit to the premises. On entering the shop Mr AMINI-MAZRE was again the only person present.

Mr AMINI-MAZRE was quick to show me the premises Leicester City Council licence that was

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Continuation of Statement of: Jefferson Pritchard
now correctly displaying all three pages.

However, when I asked Mr AMINI-MAZRE if he had a personal licence he said "No". This was despite Mr AMINI-MAZRE admitting to selling alcohol to customers.

On pointing out the relevant offence to Mr AMINI-MAZRE, he argued the fact stating that he did not need one and has never required one. I explained the requirement and despite me pointing to the relevant condition on the licence that was clearly on display that states that *"All alcohol sales be made by the holder of a personal licence"*, he refused to accept and continued to dispute the condition.

As I elaborated, it was clear that he understood the requirement but elected to ignore the condition, possibly as he feared losing his job at the premises.

As we spoke several customers entered the shop and started to select alcohol from the shelf/refrigeration units. At no point did Mr AMINI-MAZRE tell them that he was not authorised to sell them alcohol but waited until they approached the counter and waited for me to notify them.

I am under no doubt, that once I left the premises he would continue to serve alcohol to customers, despite the verbal warning about the relevant offence.

I proceeded to ask to view the premises CCTV, to which he stated only Mr SHARIF-NAZHAD had access.

I asked Mr AMINI-MAZRE to see the refusals register and it was clear that he did not know what one was, as I had to explain what it was and its purpose. I also pointed to the Annex 3 condition on the licence located on the wall that stipulates, *"the licence holder will operate and maintain a refusals register which must remain on the premises and be made available immediately upon request to any responsible authority"*.

As Mr AMINI-MAZRE attempted to find a refusal register, I stood at the end of the counter. It was then that I could see some suspicious items on a shelf, in clear view, directly below the till.

Mr AMINI-MAZRE was asked to step out from behind the counter, so that I could take a closer look.

The position of the items were recorded on my personal issue body worn camera E9945. I later uploaded the short clip up onto the police's secure database and I can produce the footage as exhibit JJP01 dated 29/01/2021.

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I also took some photographs and can produce these as exhibits:

JJP02A – A partially covered cardboard box containing a quantity of illegal cigarettes next to some further illegal cigarettes was positioned on a shelf directly below the till. A suspected homemade offence weapon was also positioned in close proximity to the cigarettes.

JJP02B – Contents of the box.

JJP02C – A suspected homemade offence weapon and its proximity behind the counter.

JJP02D – A suspected homemade offence weapon and its proximity behind the counter.

JJP02E – UK legal cigarettes (tax paid and displaying the correct public health warning) in a cabinet on the wall behind the counter. Each packet had a price sticker attached.

JJP02F – UK legal tobacco products (tax paid and displaying the correct public health warning) in a cabinet on the wall behind the counter. Each packet had a price sticker attached.

In total 114 packets of cigarettes were seized as exhibit JJP03 and later booked into the police property store.

I can produce a photograph of these seized cigarettes (exhibit JJP03) as exhibit JJP03A.

Later that day, further photographs were taken of each different type/brand and sent to Elaine Watterson at Leicester City Council Trading Standards, for identification purposes.

The individual exhibit numbers are:

JJP04A to JJP04D – Omega Ice Blue – Peppermint Capsules 20 cigarettes. X 4 packets.

JJP05A to JJP05D – Compliment Blue Demi Slims 6mg “Duty Free”. X 1 packet.

JJP06A to JJP06D – Dunhill Fine Cut. X 7 packets.

JJP07A to JJP07D – Marlboro Gold 20. Health warning in English but no public health picture. X12 packets.

JJP08A to JJP08D – Lambert & Butler Original Silver 20 “Duty Free”. X4 packets.

JJP09A to JJP09D – Benson & Hedges Option 20. X2 packets.

JJP10A to JJP10D – Marlboro Gold 20 (NB -1 packet was open with one cigarette missing). X7 packets.

JJP11A to JJP11D – Winston Blue Firm Tech Filter 20 “Duty Free”. No public health warning picture. X7 packets.

JJP12A to JJP12D – L&M Fine Tobaccos Finely Cut 20. Writing in a foreign language. X6 packets.

JJP13A to JJP13D – Rothermans D Series Blue 20. Writing in a foreign language. X12 packets.

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JJP14A to JJP14D – NZ Black 20. Writing in a foreign language. X3 packets.

JJP15A to JJP15D – NZ Gold. Writing in a foreign language. X3 packets.

JJP16A to JJP16D – NZ Gold. Writing in a foreign language. X3 packets.

JJP17A to JJP17D – Kopoha Menthol Super Slims. X3 packets.

JJP18A to JJP18D – Kent Switch (British American Tobacco Group). X5 packets.

JJP19A to JJP19D – Mayfair Kingsize 20. "Duty Free for sale outside of the European Union. SON/MPR/FT02443. The public health warning was in a foreign language. X5 packets.

JJP20A to JJP20D – Marlboro Touch. X5 packets.

JJP21A to JJP21D – Minsk Capital QS20. Writing in a foreign language. X4 packets.

JJP22A to JJP22D – Pect. Writing in a foreign language. X6 packets.

JJP23A to JJP23D – L&M Link. X2 packets.

JJP24A to JJP24D – Richmond Kingsize 20. "UK Duty Paid". Despite the writing being in English there were no public health warning displayed. X11 packets.

On discovering the above items I asked some colleagues to join me as I was also aware that Mr SHARIF-NAZHAD had been contacted and was on route as well.

Mr AMINI-MAZRE was asked about the items behind the counter but made no legible reply and remained silent.

A short time later an unknown gentlemen arrived at the premises, stated he was a relative of Mr SHARIF-NAZHAD and started to ask what was happening. I politely informed him that I needed to speak to the relevant responsible person first.

Mr SHARIF-NAZHAD arrived a short time later, as did my colleagues with some evidence bags.

I proceeded to caution Mr SHARIF-NAZHAD before asking him about the items under the counter. Mr SHARIF-NAZHAD stated the cigarettes belonged to him and said people had brought them into the shop. When asked what his intentions were with the cigarettes, he remained silent. When challenged he then stated that he did not understand.

Mindful as not to cross examine Mr SHARIF-NAZHAD which could potentially jeopardise any such future criminal proceedings, I continued to stop asking questions as he admitted knowledge of them and continued to seize the cigarettes.

Whilst at the premises I started to explain the price difference between legal and illegal cigarettes to my colleagues. As I did so, I held up a packet of the illegal cigarettes as an example. As I was speculating the cost of the packet in my hand, Mr SHARIF-NAZHAD replied

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“£6”.

Mr SHARIF-NAZHAD was informed that Mr AMINI-MAZRE did hold a personal licence but had admitted to selling alcohol to customers. Therefore, a breach of its licence and that he was permitting unauthorised licensable activity to occur as a result.

Various options were discussed with Mr SHARIF-NAZHAD, however it was made clear that Mr AMINI-MAZRE was unable to sell alcohol to customers until he had obtained a personal licence himself. And that no other staff without a personal licence could sell alcohol.

The consequences of a repeat were re-laid to Mr SHARIF-NAZHAD.

Mr SHARIF-NAZHAD was asked to access the premises CCTV system to prove the CCTV retention period issue had been resolved and that he was adhering to his licence. Mr SHARIF-NAZHAD accessed the CCTV system via his mobile phone device and showed me a footage from seven days ago. However, he was unable to recover any footage from 31 days ago, as per his licence condition and his previous warnings in December 2020.

Mr SHARIF-NAZHAD continued to fiddle with his phone as I spoke with my colleagues. It was this point I overheard him say words to the effect of, “It’s only kept for two or three weeks”.

On Monday 1st January 2021, I re-attended the premises to conduct a further licensing visit.

At 18:22 hours, I observed a customer walk into the premises empty handed and after a short while, approached the counter. As the premises door was open I could see into the premises. More so as the counter is at the front of the shop, next to the door.

The customer exited the premises a short time later carrying a bottle in his right hand.

I approached the male, identified myself and explained the reason for speaking to him. On speaking with the male, I could immediately smell intoxicating liquor upon his breath despite maintaining social distancing due to the coronavirus pandemic.

The male admitted he had bought the 500ml bottle of Lech 5%ABV beer from the shop for £1.49. The same type of beer was later seen located in the cooler cabinet, in the premises.

At approximately 18:27 hours, I walked into the premises and observed Mr Ali AMINI-MAZRE sat down behind the counter.

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Continuation of Statement of: Jefferson Pritchard

Mr AMINI-MAZRE confirmed that he was the only person in the shop and was the only person working.

Mr AMINI-MAZRE admitted that he had just sold some alcohol to a customer.

Mr AMINI-MAZRE again confirmed that he does not hold a personal licence himself but was going to apply.

Mr AMINI-MAZRE stated that Mr SHARIF-NAZHAD had given him permission to sell alcohol as he was a personal licence. Mr AMINI-MAZRE produced a piece of paper to this effect. The piece of paper stated that the designated premises supervisor (Mr SHARIF-NAZHAD) hereby passes his authority to Ali AMINI-MAZRE to authorise the sale of alcohol in his absence.

Mr AMINI-MAZRE was informed that this notification was good practice under normal circumstances but was irrelevant given the specific condition on the premises licence, which had been previously discussed in-detail. Mr AMINI-MAZRE continued to argue the fact whilst I kept on referring to the licence condition listed under Annex 3 on the licence that was clearly on display behind the counter.

Mr AMINI-MAZRE then produced a Leicester City Council Personal Licence Holder document from a pile of paperwork. However, the document was in someone else's name and not his. I later discovered the name of personal licence holder document was the premises former premises licence holder between 05/12/2018 and 14/10/2019.

Mr AMINI-MAZRE proceeded to state that Mr SHARIF-NAZHAD was self-isolating due to coronavirus and that he was running the shop in his absence. Mr AMINI-MAZRE requested a further two weeks to rectify the situation.

Once again, several customer entered the shop and selected alcohol. And once again, at no point did Mr AMINI-MAZRE inform them that he was unable to sell them alcohol but rather left it to me to tell them.

Once again, I am under no doubt that once I left the premises, Mr AMINI-MAZRE would have continued to sell alcohol to customers.

Later that evening, I spoke with Mr SHARIF-NAZHAD on the telephone. Mr SHARIF-NAZHAD stated he was self-isolating but was aware that Mr AMINI-MAZRE was working at the premises. Mr SHARIF-NAZHAD also requested a further two weeks to rectify the situation.

I reminded Mr SHARIF-NAZHAD of our conversation a few days earlier on Friday 29th January

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Signature witnessed by:

Continuation of Statement of: Jefferson Pritchard

2021 about Mr AMINI-MAZRE.

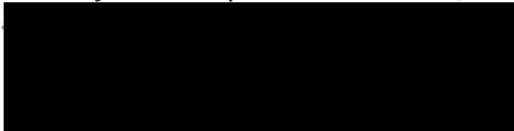
At no point during the conversation did Mr SHARIF-NAZHAD say he was going to instruct Mr AMINI-MAZRE to stop selling alcohol to customers. Mr SHARIF-NAZHAD continued to ask for a further two weeks to rectify the situation. In fact when I said, "Are you asking a police licensing officer to turn a blind eye to an offence being committed", Mr SHARIF-NAZHAD replied "Yes".

With that, I proceeded to tell Mr SHARIF-NAZHAD that premises was highly likely going to be subject of a licensing review. Mr SHARIF-NAZHAD proceeded to state that he did not understand and asked that I speak with a family member.

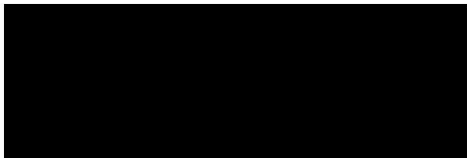
A few minutes later, a male claiming to be a family member of Mr SHARIF-NAZHAD contacted me stating that he had been asked to call me. I proceeded to re-iterate what had already been said to Mr SHARIF-NAZHAD.

Since my last conversation with Mr SHARIF-NAZHAD on Monday 1st February 2021, he has not been in contact to discuss these serious matters.

It is my opinion, that Mr SHARIF-NAZHAD is not fulfilling his role and responsibilities as both premises licence holder and designated premises supervisor. Also, that his actions demonstrates his unwillingness to resolve any of the issues associated to the premises and has no intention of adhering to the conditions of its Leicester City Council premises licence, upholding the law or promoting the licensing objectives.



Signature:



Signature witnessed by: