

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 Owen Dunn 3326EA

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer...P238528

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 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.

Witness Signature:  3326EA Date: 11/05/2021

I am writing this statement in relation to the review application I have submitted on behalf of the Commissioner of the Metropolis, against the premises licence of Bardhi Pool Club, 70A Longbridge Road, Barking, IG11 8TG. Premises licence number 007022 (Exhibit ORD/1).

I am the current Police Licensing Officer for the London Borough of Barking & Dagenham. I was made aware of the below incident and feel that there is no other option left but to submit the application to review this premises licence and to seek revocation of this licence.

On 07/04/2021 at roughly 1700hours, Police Officers from the Metropolitan Police were contacted by the COVID enforcement team from the London Borough of Barking & Dagenham Local Authority, to inform Police of a possible breach of COVID regulations taking place at this licensed venue. CAD message 4961/07APR21 refers. (Exhibit ORD/2).

After having a discussion with the COVID enforcement team Police have made their way to the venue. Officers accessed the premises via a small alleyway next to the venue which leads to the rear of the premises. This was required as the front of the venue had the shutters down to try and conceal the fact they were open and operating as a business.

Once officers arrived at the rear and entered the venue there were 19 males inside the rear of this venue, two of which were stood at the immediate entrance not sitting down and one was smoking a cigarette.

This was a clear breach of the then current COVID regulations, in addition to the males inside the venue. As Police entered the premises roughly 4/5 males had run around the rear of the premises and making their escape from the venue down another alleyway the other side of the exterior structure, presumably knowing they should not have been there taking part in any activity which would have breach the COVID regulations, or perhaps they were breaking the law in another aspect.

Nineteen males were inside the venue and partaking in drinking alcohol, drinking coffees and smoking Shisha and cigarettes, with one male appearing to be behind a bar area at the opposite end to where the officers walked in.

The current Premises Licence Holder and Designated Premises Supervisor (DPS) Mr Lad Bardhaj was present at the time and looked shocked to see the Police. Mr Bardhaj identified himself as the owner of the premises. On speaking to the officers he stated that he attended the venue to "do some jobs" and people turned up demanding some coffee's to which he has clearly supplied them with, and more.

Mr Bardhaj knew he was in the wrong and admitted so to the officers at the time, stating he takes full responsibility, however he was trying to pass the blame onto customers who had come to the venue and asked to be served. This demonstrates to Police that Mr Bardhaj is not of strong enough character to be running the establishment.

Whilst Police were addressing Mr Bardhaj about the illegal gathering, the males in the background were still smoking the Shisha devices, demonstrating the lack of consideration to what the officers were saying and

Witness Signature:  3326EA

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Continuation of Statement of: *PC DUNN 3326EA*
 clearly not bothered about the restrictions which needed to be followed at the time. Highlighting the clientele attending the venue and over running the licence holder, Mr Bardhaj himself.

This rectangular structure which is connected to the rear of the premises comprises of garden fencing with sheets of wood and opaque sheets of plastic attached to the fencing and a plastic ceiling. Therefore no ventilation would have been possible, meaning this venue could not have operated as a shisha venue under the Health Act, regardless of whether there were COVID restrictions in place or not. This can be seen on the image provided from a screen shot of the Police Body Worn Video footage (*Exhibited ORD/3*).

At the time of the incident and time of this statement Shisha is still a prohibited business in which nobody should be taking part in.

Police being outnumbered with limited resource available decided to disperse the group inside the venue one table at a time and issue a COVID fine to Mr Bardhaj as the licence holder of the venue, as he provided the males with the drinks & shisha to remain at the venue.

This has been captured on the Body Worn Video cameras of both PC Dodd & PC Anwar (*Exhibited as ORD/4, ORD/5, ORD/6*).

PC Dodd also provided a statement in relation to his discovery of the incident and the issuing of the COVID Fixed Penalty Notice (*Exhibited as ORD/7*).

Mr Bardhaj appears to have created an environment whereby people believe there were no rules in place and they could conduct themselves however they see fit.

This is not what Police expect from a licence holder in order to promote the licensing objectives.

As a result of this incident Mr Bardhaj received a direction notice from the Local Authority to close the venue between 08/04/2021 & 22/04/2021.

Once I had gathered all the necessary information I contacted Mr Bardhaj on 15/04/2021 at 1315 hours to get an account as to why this incident took place.

Mr Bardhaj stated he was doing work at the venue in the afternoon when his friends arrived and asked for coffee, he stated that he served them coffee when before he knew it around 15 people who he had not seen in a while had arrived.

I asked Mr Bardhaj why he served these people to which he said to me "I KNOW NOW IT WAS A MISTAKE". I was told that the group didn't come together, he just made them some coffee and they stayed in the "smoking area" as described.

I asked Mr Bardhaj if this was a regular occurrence and if people were often just turning up unannounced to which he said no.

I then asked about why there were shisha devices on majority of the tables to which Mr Bardhaj said "I MAKE A FEW SHISHA FOR THEM".

I asked what drinks were provided to the groups to which Mr Bardhaj said "COFFEE, WATER, and CAPAUCHINOS"

I had to push and ask about sale of alcohol, to which Mr Bardhaj replied "2 or 3 beers".

Mr Bardhaj then stated "I KNOW IS WRONG" and that the males came one by one and must have called each other saying the venue was open.

I asked Mr Bardhaj why he didn't turn the people away and decline to serve them to which he said "I KNOW, BIG MISTAKE, I CANT TURN BACK".

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[Signature] 3326EA

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Continuation of Statement of: *PC DUNN 3326EA*

This demonstrates the lack of control Mr Bardhaj has over the people attending the venue and appears to have given in to the demands made for coffee, alcohol and shisha and customers serving themselves by walking behind the bar areas. This poses a serious risk over the safety of anyone attending. Mr Bardhaj wouldn't be able to cope if there was a serious incident taking place at the venue.

I contacted Mr Bardhaj via telephone on 28/04/2021 to ask for some CCTV footage from the 05/04/21 and 06/04/21 in order to establish if there had been any further breaches the previous days.

I was informed that Mr Bardhaj was including a further CCTV camera on those days and therefore the system was not working.

I contacted Mr Bardhaj via telephone again on 30/04/21 to ask for CCTV from the day in question when he was illegally operating his business. He informed me that around 17/04/2021 is when he improved his CCTV system by adding the new camera and a new hard drive and therefore gave his old hard drive to a friend to use as their home CCTV system.

Therefore this is a breach of the premises licence as per condition 10.

10. "The Premise Licence Holder shall ensure that all CCTV recordings shall be stored for a minimum of 31 days. Recordings shall be made available as soon as practicable following a request by a police officer or authorised officer."

When Police attended the venue on 07/04/2021, there were 8 shisha devices in total on display for consumption, 6 receptacles of alcohol, ash trays on nearly every table, with 2 males smoking cigarettes inside the venue, one of which was Mr Bardhaj's son.

Therefore there are COVID breaches taking place which is a criminal offence, improper use of an area for shisha consumption and promotion of indoor smoking all of which undermine the licensing objectives of Prevention of Crime & Disorder and Public Safety.

Police have no confidence that this venue will operate as per the licensing objectives and feel that the current licence holder will be bullied by the customers into how they want the venue run themselves, with a lack of management control from the Premises Licence Holder.

This is not acceptable and could prove to have serious consequences going forward as it is not believed that this would be the last time the venue will come to Police attention.

- I have exhibited the following items;
- ORD/1 – Copy of the premises licence
- ORD/2 – CAD message
- ORD/3 – Image of the structure "smoking area"
- ORD/4 – BWV PC Dodd
- ORD/5 – BWV PC Dodd issuing COVID FPN
- ORD/6 – BWV PC Anwar
- ORD/7 – MG11 PC Dodd

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