

WITNESS STATEMENT

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

URN

Statement of: Sergeant Damien Smith 253NW

Age if under 18: over 18

(if over 18 insert 'over 18')

Occupation: Police Officer

This statement consisting of 2 pages 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: Damien Smith 253NW Date: 17/11/19

On Saturday the 16th November 2019 I was on duty in plain clothes conducting Licensing visits and ASB patrols. I was accompanied by PC Cambeiro 2151NW and PC Fanovich 2392NW also in plain clothes. At around 8.20 PM we visited a premises at 159 High Street NW10 named 'Barril'. This venue has been subject to a review hearing (5/12/19 at Brent Civic Centre) based on repeat breaches of the licence conditions. This statement has been recorded while the events are fresh in my mind.

Upon arrival it was evident that there were more than 36 persons in the premises and there were people sat at tables with alcohol but no food. Barril advertises itself as a restaurant/pizzeria. From outside my colleagues carried out a rough head count and reached 50 as a male arrived to go into the premises. Once the main door was opened it was so loud and the hall way acted as a large speaker with the noise emanating onto the High street. I have visited the venue previously and familiar with the Husband and Wife that run it. Accompanied by my colleagues I made my way to the rear of the premises to the bar area. Mr Agnaldo Dalforno recognised me and came out from around the bar area to talk to me. The noise was unbearable with one male taking it upon himself to keep shouting out as he walked out of the toilets. I observed a male standing at the bar with a pint and requested this to be filmed as evidence to the fact he wasn't eating food with his alcohol. That said not many of the tables had food on them and it was predominantly alcohol. If I didn't know the setup I would describe the usage as a bar. Equipped with a current copy of the premises licence I was asked by Mr Dalforno "How are you?" I replied "Not very happy in truth, as there are clearly more than 36 people in here." Mr Dalforno appeared nervous and I asked him "How do you know how many people are in here tonight?" He told me there were 35 people in the venue and I believe I remarked that his 'maths' was not very good. I pointed out that he was in breach of his licence conditions and the fact there were clearly more than the permitted 36 persons including staff and this had to be addressed. This was a safety concern alone let alone a further breach. I directed Mr Dalforno to request some of the persons present to leave. He spoke in Portuguese to the patrons and told them some would have to go. My Colleague PC Cambeiro speaks Portuguese and he explained to me what was being said. I was somewhat surprised to hear that although people were asked to leave it appeared they were asked to leave for a short while until the Police left. PC Cambeiro will submit a supporting statement documenting the conversation. At 8.28 PM approximately 20-25 people left the building. Ironically as they were exiting the building more turned up seeking entry to the venue.

I explained to Mr DALFORNO that the visit was being recorded on PC Cambeiro's body worn camera like I did on my last visit. I explained I was now in a position to conduct a compliance check. I asked him to show me the CCTV in working order. He invited me around to the other side of the bar area and he stood on a barrel to reach the recorder and screen. He could not rewind the footage and could not single out the camera at the front door as per his conditions on his licence. Throughout the visit Mr DALFORNO appeared nervous. I believe he knew he was continuing to operate his premises without any regard or understanding to the seriousness of his persistent breaches of the annexe 2 conditions.

While behind the counter I noticed a series of electrical extension leads as trip hazards and uneven floor surfaces. I requested that these be captured on body worn camera and shared with the Local authority based on it appearing unsafe. While trying to operate the CCTV I asked Mr DALFORNO if he had the incident log detailing any incidents or refusals. He was unable to operate the CCTV or provide me with any incident book. I asked my colleague PC Cambeiro to utilise his linguistic skills and speak explain to Mr DALFORNO what we

Witness Signature: Damien Smith 253NW

Signature Witnessed by Signature:

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heard earlier about people waiting a while before coming back once Police left. PC Cambeiro started speaking in Portuguese and I saw a realisation on Mr DALFORNO's face that everything he had said to the customers had been fully understood despite being said in Portuguese. I am convinced he did not expect that and resigned himself to being caught out.

Outside the venue the 20-25 people that had left were still loitering approximately 15 – 20 feet away as if waiting for us to leave and then walk back inside. All 3 officers remained outside observing the groups and while there more people turned up on foot and by car to attend the venue. Mr DALFORNO came outside and looked around he saw us and went back inside. All 3 officers crossed the road and sat in an unmarked police car. Mr DALFORNO came out from the premises and dropped down his shutter to the front of the building. This shutter still had an opening for the main door. Despite there being people in the venue they were now sat there with the shutter down.

I was aware the Council Licencing Inspectors were conducting visits elsewhere in Brent and informed them of my visit and the breaches witnessed. I was not confident that Mr DALFORNO would comply with his conditions and not through want of trying was convinced he would plead ignorant to my direction of operating within his licence condition's to remain aligned to the licensing objectives.

At approximately 8.47 PM we left the location to go to another licensed venue further along the High Street. Following the conclusion of that visit we drove to Willesden and carried out a compliance check at a premise there. This was scheduled to be our last visit but I wanted to see if 'Barril' had took on board the seriousness of the breaches and we drove past the premises. At 10.44 PM we parked opposite the venue and it was livelier than the earlier visit with more than 36 persons inside. People were also smoking outside and being noisy. PC Cambeiro and PC Fanovich went to the front of the premises to capture evidence on the body worn camera of this second visit. While outside Mrs DALFORNO came out and explained there was a private party now and didn't think that she had to keep or maintain the numbers to 36. PC Cambeiro communicated with her in Portuguese. He asked her to get Mr DALFORNO to come and speak to Police. She informed PC Cambeiro he wasn't feeling well and he never came out. I believe he realised we had come back and had no excuse to offer or provide as to why yet again he was operating with a blatant disregard to the Licensing objectives.

On the 4th November 2019 I provided representations to the Local authority in relation to this premises being taken to a review hearing. This statement refers to a visit conducted while Mr DALFORNO knew full well that he was to appear at a hearing on the 5th December. Ordinarily I would have expected anyone to step up their standards in this circumstance. It suggests Mr DALFORNO has given up or doesn't care about the matter anymore. He did indicate he was moving to a new premises soon. I will visit this venue again prior to the hearing and record my findings with a view to share with the relevant, responsible authorities.

PS Damien Smith 253NW

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Witness Signature: *Damen Smith 253NW*

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