

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: **Daniel Hunt**

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

This statement (consisting of 6 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: **PC HUNT 11044** Date: **28/03/2022**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

My current role with Kent Police is that of Police Constable assigned to the North Division Licensing Unit based at Medway Police Station, a role I have performed for approximately 5 years. Prior to this I worked as a High Street Police Officer assigned to various town centre areas of Medway. I am aware that Gillingham town centre is covered by a public space protection order (PSPO), otherwise known as an alcohol control zone. To my knowledge there is no time restrictions applied to the PSPO, it is effectively a alcohol control zone 24 hours a day, 7 days a week.

At approximately 01:00 on new years day Saturday 1st January 2022 I was in plain clothes on mobile patrol with PC SMUTS 11250 performing the role of licensing officer. At this time, we were travelling in an unmarked car when we turned off Canterbury Street into High Street and parked up outside of Baba Food and Wine in High Street Gillingham. Upon our arrival there was a male sat on the bench near to Baba Food and Wine outside of St Marks Church that was drinking what appeared to be either a can of lager or cider. As is often the case outside of this premises late at night, there were numerous vehicles presumed to be customers cars parked up on the High Street directly outside. Numerous empty beer bottles had been littered and discarded on nearby benches and the area looked untidy. At this time of night, Baba Food and Wine was the only premises of this type open in this part of the High Street. Sat on the floor almost directly outside the premises was a female of homeless appearance. She had with her some bedding and her belongings on the floor next to her. I watched for a moment and observed a male of unkept appearance enter the premises empty handed. After a short period, he exited the premises carrying a large bottle of cider which I presumed he had

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purchased inside. The male approached the female that was sat on the ground whereby she then produced a wine glass from her belongings. She offered the empty glass to the male that had just purchased the cider from the premises, and he proceeded to share his cider and fill up her glass. The female sat on the ground happily consuming the cider she had just been given, she was street drinking. As is often the case there were members of staff coming in and out of the shop that in my opinion would have been witness to this behaviour. Believing that the premises were failing to promote the licensing objectives, PC SMUTS and I exited our vehicle and entered the premises. The DPS was not on duty and we spoke with the duty manager. He made admissions to selling cider to the male. He defended this action by stating that the male was a regular customer and is no trouble. I explained that this may well be the case, but we had just observed this male share his cider with the female sat on the ground just outside the store. We were advised that the female is barred from the shop and is not welcome to come inside. The duty manager advised that due to his actions, the male that had just purchased the cider was also now banned. We provided strong words of advice and warned the manager about the issue of the premises fuelling street drinking.

At approximately 08:30 on Thursday 17th February 2022 I was in plain clothes and had walked up to High Street Gillingham from Medway Police Station entering the High Street from Marlborough Road. I walked along High Street passing Baba Food and Wine and as I passed there was no sign of persons drinking in the street. I continued heading in the direction of the train station. As I neared Subway store, I passed 2 persons that were of dishevel appearance travelling in the opposite direction. Suspecting they may be heading towards Baba Food and Wine I turned and followed, observing from a distance. They continued to walk towards Baba Food and Wine and stopped at the bench next to Baba Food and Wine, outside of St Marks Church. One of the males sat on the bench and the other went into Baba Food and Wine. He was in the store for a short period and emerged carrying a bottle of Frosty Jack cider of 7.5% ABV. The two males sat on the bench sharing and consuming the cider

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between them. I subsequently entered the premises and found that the beers wine and spirits display had been faced up and there was a space at the front in the display of Frosty Jack cider. I was aware that the DPS for Baba Food and Wine was likely to be working in their second store located just 2 premises further down the High Street (Baba Food Centre), as such I attended this store. I spoke with staff and established that the DPS had just left, but staff were kind enough to call him and ask him to return to speak with me. I know the DPS to be Alaittin TEMUR. Within a few minutes Alaittin TEMUR arrived and we spoke in the street outside of Baba Food Centre. I advised Alaittin TEMUR that I had concerns regarding his premises selling alcohol to street drinkers, explaining the event that I had just witnessed. Alaittin TEMUR seemed dismissive of my observations. He was defensive and claimed that his staff would not sell to street drinkers and they must have purchased the alcohol elsewhere. I advised that this was not the case and it was now that I discussed a previous incident that had occurred at his premises in the early hours of Saturday 5th February 2022. Basic circumstances being that the premises had served alcohol to a drunk customer that was subsequently arrested for various offences including criminal damage and assault police. Alaittin TEMUR was again dismissive, and it was almost as if he didn't believe me. He again tried blaming other premises for the sale of alcohol. We then spoke in general terms and we discussed that fact that the area is a PSPO, alcohol control zone. I explained that street drinking is a significant problem in the town centre particularly around his shop. Alaittin TEMUR questioned why he should help police combat this issue, when in his opinion the police are not doing enough to help him in return. He suggested that the dedicated town centre policing team for Gillingham has insufficient officer numbers. I advised that despite his opinion, as DPS and owner of the premises he had a responsibly to promote the licensing objectives. Alaittin TEMUR suggested that his shop mainly sells low strength beers of only 4 or 5% ABV. He suggested that the premises only sell 1 brand of high strength beer, which I know not to be true. We went inside the premises and I can confirm that the premises sell a large selection of High Strength beers and

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ciders, some as high as 9% ABV, many of which are considered favoured beverages of street drinkers. I pointed this out to Alaittin TEMUR and he stated that he wasn't including cider in his earlier statement, just beer. He stated that he would consider removing the high strength lager but would not consider removing high strength cider from his shelves. Both Alaittin TEMUR and his partner who was also present, stated that Gillingham was a deprived area and claimed the locals like their strong cider, it is a good seller, and they are a business and that was their justification for their position. I provided strong words of advice and left the premises. As I left the premises Alaittin TEMUR followed. The two persons I had earlier seen drinking on the bench that had led me to requesting the DPS return to the store were still sat on the bench consuming their cider. It was now that Alaittin TEMUR said to me words to the effect of "YOU SEE, THOSE TWO THERE, THEY ARE DRINKING AND WE DO NOT SERVE THEM". I advised that I witnessed them obtain the alcohol from his store first-hand. He seemed angered by this, suggesting that once I had left, he would be having strong words with his staff.

At approximately 10:30 on Friday 25th February 2022 I attended the premises to conduct some CCTV enquires and to request that various CCTV clips were downloaded onto disc or USB. The DPS was not present. I spoke with the duty manager along with the female staff member that I understand is the partner of the DPS. I was viewing CCTV for approximately 30 minutes and the time would now be approximately 11:00. On the screen on the CCTV display I had footage of the incident I had witnessed on 17th February, as detailed above. I can confirm that the premises did sell the bottle of Frosty Jack cider to the male in question. I had that sale of Frosty Jack on the CCTV screen when to my amazement the same male that was now on the screen, walked into the store in person behind me whilst I was viewing CCTV. He selected another bottle of Frosty Jack cider which staff sold him whilst I was stood in store just a few feet away which I found shocking. Staff acknowledged that it was the same male from the 17th February and found it amusing. Despite Alaittin TEMUR claiming on the 17th

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February that his premises would not serve this male, staff in the premises during this later visit on 25th February suggested that the customer is okay, referring to him as a "GOOD GUY". Before leaving the premises, I requested that staff provide footage from the CCTV on the following dates:

1st February, 3rd February, 17th February, 19th February and 25th February. Staff were unable to provide me a copy of the CCTV there and then, so I left a memory stick and my contact details requesting a call when it was ready to be collected. Prior to leaving the DPS partner advised that the premises intended to discontinue the sale of large bottles of cider such as Frosty Jack or White Lightning, stating that once their current stock had sold and the shelves empty, they would not be purchasing anymore. I asked regarding the other high strength beers and ciders sold in cans and the premises maintained the position that Gillingham is a deprived area with a demand for such products which are good sellers and the business needed to make money.

PC SMUTS and I returned to the premises on Tuesday 1st March 2022 whereby I served application for review paperwork on Alaittin TEMUR. I am firmly of the opinion that the premises are failing to promote the licensing objectives and all information and evidence available to me suggests that that the premises are knowingly serving alcohol to street drinkers who then consume the alcohol in the immediate area causing crime, disorder and anti-social behaviour. I believe that this is purely for monetary gain. Of note is that Alaittin TEMUR recently applied for an alcohol licence for his store located just 2 doors away from Baba Food and Wine by the name of Baba Food Centre. Kent Police and local authority public health officers were opposed to that application for an alcohol licence which went to hearing in front of the licensing committee on Wednesday 2nd March 2022. The licensing panel refused the application, and the premises was not granted a licence. Interestingly at that hearing, Alaittin TEMUR and his representative gave recognition to the PSPO and Cumulative Impact Policy (CIP) and to the seriousness of the street drinking culture and issues it causes in High Street Gillingham. In an effort to obtain a licence for the new premises Alaittin TEMUR proposed a raft

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premises licence conditions and a reduction in operating hours that he felt necessary to promote the licensing objectives so as the new premises would not add to the cumulative issues already affecting the area. Despite being described as essential measures required to fully promote the licensing objectives at the new store these are not measures, practices or conditions that Alaittin TEMUR or his staff has in place for his original store, Baba Food and Wine. At this stage I have very little faith in the ability of Baba Food and Wine to promote the licensing objectives and this view is based upon the continued alcohol sales to street drinkers, the most recent of which has occurred since Kent Police submitted the application for review. PC HUNT 11044

Signature **PC HUNT 11044**Signature witnessed by **N/A**