



2012/12

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APPENDIX D

Police Objection on behalf of Chief Constable**Application for DPS & Premises Licence – Mayland Masala****Applicant Rios MIAH dob 16/05/1968 of 53 Bushey Road London E13 9EN**

The applicant was arrested on 09/11/12 for the offence driving a motor vehicle on a road while suspected of being under the influence of alcohol. He refused to supply a specimen of breath for analysis and was bailed to appear at Chelmsford Magistrates Court on 05/12/12, subsequently bailed again to appear 18/02/2012.

If convicted, this offence is a “relevant offences” as described in Schedule 4, Licensing Act 2003.

Circumstances

The alleged offence was committed on the 09th November. Rios Miah was seen drinking at the Mayland Masala restaurant and seen to be staggering around before getting into a silver Mercedes and driving towards Latchingdon/South Woodham. On request to leave the vehicle the driver was noted by officers to be staggering about. He was conveyed to a police station at Rayleigh where he refused to provide a breath sample for analysis. The legal limit being 35 micrograms of alcohol in 100 millilitres of breath.

The applicant is in a position of trust as manager of the premises and and was responsible for a young employee who was also in the car with him at the time. It is fortunate that he was not involved in a Road Accident.

Until the outcome of the court date on 18/02/2012, where it will be raised that the defendant has this application pending and a personal licence, the Police are satisfied that the granting of the Licence and allowing the applicant DPS status would undermine the Crime and Disorder Objective

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