

WITNESS STATEMENT

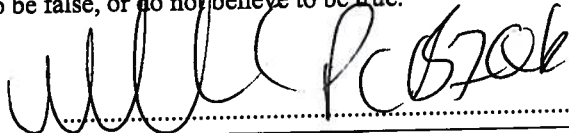
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Nicola McDonald URN:

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

This statement (consisting of: ... **3**..... 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 anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 15th March 2012

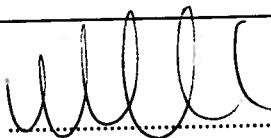
Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable of 22 years experience, the last 16 years I have worked on the London Borough of Brent, since 2005 I have been attached to the licensing unit for the borough. I have been authorised via a delegated authority to represent the Borough Commander for the London Borough of Brent and for the Commissioner of the Metropolitan Police Service to act on licensing matters.

One of the premises I supervise is First Choice Express, 203 Kilburn High Road, Kilburn, NW6 7HY. This shop benefits from a premises licence permitting supply of alcohol from 0800 hours to 0400 hours daily to be consumed off the premises. The shop can open to the public 24 hours daily. There are four conditions attached to the premises licence consistent with the operating schedule. They are:

1. A personal licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
2. CCTV shall be installed and maintained in accordance with the ACPO guidance, and all recorded images kept and made available to the Police and Licensing Authority for 31 days.
3. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.
4. All alcohol sold between 2300 hours and 0700 hours the following day shall be via a serving hatch between the customer and cashier.

Police received an application to transfer the premises licence and vary the designated premises supervisor (DPS) on 26th February 2010. The applicant for both of these was Mr Ajaz ALI. Recently Police have discovered that Mr Ajaz ALI is also known as Mr Raja Hajaz ALI. On 12th August 2008 this male was convicted at Brent Magistrates court of offences under the Trade Descriptions Act

Signature:  Signature witnessed by:

Continuation of Statement of

and the sale of alcohol to a person under 18 years both committed at Best Express, 96 Willesden Lane, Kilburn, NW6 7TA, an off licence. Brent and Harrow trading standards officers were the prosecuting agents. In relation to these offences Mr Ali gave his full name as Raja Hajaz ALI. At the same time Brent Police licensing made an application for a premises licence review for Best Express 96 Willesden Lane, NW6 7TA. At a licensing sub-committee hearing the councillors revoked the premises licence. The premises licence holder and DPS for Best Express at this time was recorded as Mr Ajaz ALI. Because Mr ALI was using different first names to different authorities, his previous convictions for relevant offences went un-noticed and he was allowed to transfer on to the premises licence and become the DPS at 203 Kilburn High Road.

On 24th January 2012 I was on duty in plain clothes on foot patrol in Kilburn High Road conducting licensing visits. At 1455 hours I attended First Choice Express, 203 Kilburn High Road. There was one member of staff behind the serving counter, she was Asian, middle aged and spoke very limited English. She gave me her name as Hayay GULNAZ. She said she had worked in the shop for approximately seven months. She was not a personal licence holder. When I began asking questions about the premises licence she became very cautious and told me to speak to her boss Mr ALI. There was an overt TV Screen in the shop that appeared to be a CCTV monitor. Unfortunately Ms GULNAZ did not know how to operate the CCTV system and could not tell me if it was recording. I noticed that there was no serving hatch anywhere in the front doors or front windows. There was a limited amount of produce in the shop. Alcohol was on display for sale both behind the counter, in a chiller and on a shelf, a small amount of the alcohol was cheap beer/cider above 5.5% ABV. During my visit a tall mixed race male wearing jeans and denim jacket purchased a can of beer. I left my details asking for Mr ALI to contact me.

On Saturday 4th February 2012 at 0105 hours I was on duty in plain clothes although wearing my overt body armour on foot in Kilburn High Road near number 203. First Choice Express was illuminated and open to the public. Through the window I could see alcohol behind the counter on display and I saw a white male with jeans and dark anorak standing at the counter buying bottles of beer. He was served by a heavy built Asian male wearing a dark anorak and woolly hat, who I recognised as Mr Ajaz ALI the DPS and premises licence holder. Although there is signage in the window, I had a clear view of him because the cashier stands on a raised platform and is visible above the signage. This male left the shop with his purchased beers in a plastic bag. I watched several customers enter and leave the shop. There was no serving hatch in operation. I took two photos of the front of the shop during my visit on 4th February 2012, I exhibit these as NM/1 and NM/2.

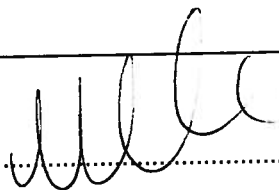
On the two occasions that I have visited this shop I have witnessed all four of the conditions attached to

Signature:

Signature witnessed by:

Continuation of Statement of N. McDonald

this premises licence being breached. I have attempted to make contact with the DPS to discuss matters. I am aware that the licensing authority have also visited the shop since January 2012 and attempted to make contact with the DPS. Kilburn High Road has problems with Street drinkers and alcohol related crime and disorder. Any licensed premise in this area needs to be well managed and promoting the licensing objectives. My visits show that this premise is doing neither.

Signature: 

Signature witnessed by:

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 157QK Nicola McDonald** Station:

Time and place statement taken: