

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: **4**..... 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: *Willie PC 1570K* Date: 1-9-2012

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 G Food Store, 1 - 3 Glengall Road, Kilburn, NW6 7EL. This Shop has a premises licence under section 17 of the Licensing Act 2003 authorising the supply of alcohol for consumption off of the premises and open to the public daily from 0900 hours to 22.30 hours. The premises licence holder and designated premises supervisor is Mr Javid AHKTER 169 The Vale, London, NW11 8TL. This premises licence was granted by Brent council licensing sub-committee on 22nd July 2010 at a hearing following representations objecting to the application made by Brent Police.

Glengall Road at the junction of Kilburn High Road and immediate vicinity has been plagued for several years with anti-social behaviour, low level crime all impacting on public nuisance. The local safer neighbourhood team receive complaints almost daily from local residents and businesses in regard to alcohol fuelled unacceptable behaviour by groups of adults that gather around this area. The whole of the London Borough of Brent is a controlled drinking zone, but it is inoperative at this location. The signage is constantly being removed and unless there is uniformed Police presence in the area, adult gangs openly drink alcohol from cans and bottles. This problem is exasperated by the lack of responsibility of premises licence holder Mr Javed AHKTAR and his staff. **Following in date order are incidents at G Food Store 1-3 Glengall Road since the grant of the premises licence, where procedure at the shop has failed to promote the licensing objectives or staff have committed criminal offences under the Licensing Act.**

Crimint QKRT 399024. On Sunday 10th April 2011 at 1202 hours PC's 7144QK , 7154QK and 886QK carried out a alcohol license check at PRIME HALAL MEAT GROCERS AND BUTCHERS 1-3 GLENGALL ROAD NW6 7EL. Part B of the premises license was fully on display and correct with a MR Javed AHKTER dob 02/03/1961 being the designated premises supervisor and owner of the premises. There was a MR ASAD AHKTER dob

Signature: *Willie PC 1570K* Signature witnessed by:

Continuation of Statement of

On Saturday 28th July 2012 at 1530 hours I (PC Nicola McDonald) was on duty in plain clothes on foot in Kilburn High Road attending a pre-planned appointment with a business owner in the vicinity of Glengall Road, Kilburn. I noticed standing around the roadside bollards at the top of Glengall Road junction with Kilburn High Road a group of five middle aged black males. I recognised one of the males in the group to be Khalid SAID a habitual street drinker. Another of the males was dark skinned wearing a distinct baseball cap with a 'Burberry' style chequered peak. They were communicating together in a social, animated manner. They were all holding small black plastic carrier bags containing drinking vessels, and were taking mouthfuls of the drink. As I walked past the group I could smell intoxicating liquor. I watched the male with the cap walk to the rubbish bin on the corner of the street, he was unsteady on his feet, swaying. He dropped the black bag containing a can that he had been drinking from in to the bin. He then followed me along Glengall Road. I could smell intoxicating liquor on him. He was drunk. He crossed the road between the parked cars and entered 1-3 Glengall Road. I could see an Asian male wearing a white butchers coat standing outside the shop organising the groceries, I recognised him to be Javed AKHTER. I remained opposite the shop outside a hairdresser, where I had a clear view of the serving counter with the cash register. I saw the male with the cap approach the counter with a can of drink. I saw an Asian male across the serving counter put the can in to a black carrier bag. The male with the cap then walked out of the shop holding the black bag in his hand, he crossed the Road towards me and then stood slightly in Glengall Passage. The male pulled the can halfway out of the carrier bag and opened the ringpull. I recognised the can to be Holsten Pills Lager. The male took a large drink from the can, he then lowered the can in to the black bag and holding it in his hand he staggered back to the group of males.

At 1555 hours on the same day I was walking along Glengall Road towards Kilburn High Road on the same side of the Road as 1-3 Glengall Road. I was approximately 30 metres from the shop when I saw Khalid SAID walking towards me. As he got to the entrance of G Food Store he entered the shop. I slowly continued walking towards the shop and stopped outside and faced the grocery display. I had a clear and unobstructed view of the serving counter. I saw SAID placed a can of Holsten Pills beer on the counter he handed over what I presumed to be payment and the Asian male serving him placed the can in a black plastic bag slightly below the counter. The Asian male handed SAID the black bag and he walked out of the shop. As he walked past me I noticed his eyes were glazed he smelt strongly of intoxicating liquor his clothing was shabby. As he walked towards Kilburn High Road I saw he was unsteady on his feet, he was drunk. As I walked towards Kilburn High Road I saw the male with the 'Burberry' hat standing some way down Glengall Passage. He was facing the brick wall urinating. SAID did not go back to the group of males still standing at the bollards, he staggered away towards Cricklewood.

On Sunday 5th August 2012 at 1415 hours I (PC Nicola McDonald) was on duty in plain clothes on foot in Kilburn High Road attending a pre-planned appointment in Willesden Lane. As I walked past the junction with Glengall Road heading for the railway station, I noticed three white male habitual street drinkers who I know to be Steven Driscoll, James Newman and Daniel Lawrence in company with a white female habitual street drinker who I know to be Tracey Childs leaning on and standing around the green BT box at that junction. They were very loud,

Signature:



Signature witnessed by:

Continuation of Statement of

shouting and swearing argumentatively between each other. All of these people were drinking from containers concealed in either blue or black plastic bags. I could see Childs was drinking from a plastic 2 litre bottle of white Ice cider that was protruding from the plastic bag. Having shouted obscenities towards the remainder of the group Childs walked away towards south Kilburn. Lawrence then put the bag with the vessel he had been drinking from on the ground to the side of the green box and swearing he staggered from the green box towards 1-3 Glengall Rd. I saw Lawrence walk in to 1-3 Glengall Road. The distance from where I was standing to the entrance of 1-3 Glengall Road was approximately a 25 metres. After a couple of minutes Lawrence came out of 1-3 Glengall Road. He walked back towards the green box near where I was standing in Kilburn High Road. I noticed Lawrence was now carrying a black plastic bag in his hand. As he got to the green box he stopped to speak with Newman and Driscoll, Lawrence placed the plastic bag on top of the green box and removed a can of Fosters Lager. Lawrence released the ring pull of the beer can and took a large mouthful of the contents. He then placed the can inside his coat pocket. The bag was discarded in the street and Lawrence walked in to Kilburn High Road the same direction as Childs. As he walked passed me I could smell intoxicating liquor, he was unsteady on his feet and his appearance was dishevelled. He was drunk.

On 6th August 2012 I wrote a letter addressed to Mr Javid Akhter formally requesting CCTV footage from the Shop covering the period 1500 hours to 1630 hours on 28th July 2012 and 1330 hours to 1530 hours on 5th August 2012. Upon receipt of my letter Mr Akhter telephoned me to ask why I requested the footage. I explained I was investigating allegations of offences under the Licensing Act 2003. I subsequently received a letter dated 21st August 2012 from Mr Javed Akhtar stating the footage I requested had been accidentally deleted whilst trying to make copies.

Signature: WILL R. BROWN 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? **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?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **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:

