

**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:** 9th 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 Dubai Express (Bluewing), Unit 1 Wharfside, Rosemount Road, Wembley, HA0 4PE. This venue benefits from a premises licence permitting entertainment, late night refreshment and supply of alcohol daily. There are twenty one conditions attached to this premises licence.

On Friday 25th February 2011 I was on duty in plain clothes although wearing overt body armour in company with PS 10QK Adrian Adolphus. At 2355 hours we attended Dubai Express. Before entering the venue I made external observations of the premises. I could smell the distinct aroma of shisha tobacco. At the rear of the premises upon the wall was an industrial air ventilation unit operating, emanating the smell of shisha smoke. I noticed that there was a smoking shelter erected to the side of the premises. I could clearly see inside the smoking area because the cover was transparent plastic. There were numerous tables and chairs within the transparent cover and several persons sitting on the chairs smoking from shisha pipes. The smoking shelter was totally enclosed with the transparent cover from ceiling to floor around the full perimeter of the structure.

We entered the premises via the front entrance door. We began introducing ourselves to a male member of staff behind the serving counter cooking hot food on the grill, when suddenly the ground floor began filling up with young females aged approximately 16 to 18 years. They were all dressed up, wearing large amounts of makeup as if going to a party. There were in excess of twenty females

**Signature:** ..... **Signature witnessed by:** .....

Continuation of Statement of .....

entering the ground floor from a set of stairs leading to the first floor. As the flow of females stopped we approached a white door at the base of these stairs in the rear left corner of the venue. This door was locked and had a sign above stating 'Private' and 'No Entry'. The staircase was very narrow and steep and led to a first floor room that was decorated in a Middle Eastern theme with draped cloth on the ceiling, sofa's and soft furnishings. This room was fully enclosed, there were no windows and the only point of exit was the staircase we had come up leading to the ground floor restaurant. There was a TV screen playing middle Eastern music videos (like MTV). There were two members of staff quickly attempting to remove all evidence of shisha smoking in the room, shisha pipes had been thrown behind the bar area. They were unable to remove the hot coals, other hot equipment and the strong pungent smell of shisha smoke. There was also evidence of hot drinks (tea) on tables.

I spoke to a male who claimed to be the premises manager, he gave his details as Mr Ramin AGELEAN date of birth 24/4/1967 address 53A Mount Pleasant Ruislip HA4 9HG mobile:07738707010.

He informed me that the premises owner was Mr Jalal ABBAS mobile 07799778072 who was aware of the shisha smoking within the premises. Mr Agelean was told that smoking in the first floor room was illegal, that the room was totally enclosed and breached smoking legislation and it must stop. I also pointed out that there was no fire escape signage and that the door at the base of the staircase should not be locked as it was the only means of escape from the first floor.

There was no alcohol on the premises. Mr Agelean said the CCTV was working but he could not operate it. I did see a digital monitor. The premises licence was not displayed.

I explained that details of my visit would be passed to the Environmental Health officer at Brent Council.

On 26th March 2011 I was on duty in plain clothes although wearing overt body armour in company with PS 10QK Adrian Adolphus. At 0030 hours we attended Dubai Express. The main ground floor restaurant was all lit up although the chairs were on tables to give the impression the premises were closed. There were lots of vehicles parked at the rear of the premises. There are no other late night facilities in this area. The venue is located on an industrial estate. The first floor air conditioning/extractor unit was operating again and a very strong smell of shisha tobacco was emanating from it. On this occasion I did not enter the premises as I had to leave the area to deal with something more urgent but I suspect the first floor illegal fully enclosed smoking area was being used again as there was no one visible in the restaurant area.

On Saturday 24th March 2012 at 0055 hours I was on duty in plain clothes although wearing overt body armour in company with PS 10QK Adrian Adolphus. We pulled up outside Dubai Express I had a clear and unobstructed view in to the ground floor area, the front of the building is all glass and the enclosed

Signature: ..... Signature witnessed by: .....

Continuation of Statement of .....

smoking shelter is fully enclosed by a transparent plastic cover. I could see approximately twelve customers throughout the ground floor. In the main restaurant I could see football being transmitted on a wall mounted large flat screen TV. Hot food was being prepared on the grill and the Donner meat grill was still cooking. In the smoking shelter customers were watching a larger wall mounted TV showing football, playing cards, consuming hot food and drinks and smoking Shisha tobacco.

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** .....  
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**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: .....