

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 **Nick Mortimer** URN:

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

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: **7th January 2014**.....

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


I have been employed by the Metropolitan Police since 1975 and have been working within Brent Police Licensing since 2007. The statement concerns Peaches Cocktail Bar and Restaurant, 177-179 Kenton Road, Harrow. HA3 0EY which is a ground floor establishment with side garden area on the corner of Nash Way, Harrow. This premise gained its first Premises licence on the 30th July 2009 and the DPS was and still is Mr Rajesh Rai. The premises licence was varied on the 30th June 2011 to include the internal and external layout. Since the premises opened it has been the source of crime and disorder and complaints to the Metropolitan Police Service and the London Borough of Brent. There have been repeated instances of violent criminal behaviour resulting in Grievous Bodily Harm and kindred offences.

At the expedited review hearing I tendered a list of the CRIS reports (Crimes) and Crimint (intelligence) that I have recorded on the CLASS Licensing database as well as meeting notes and emails from the premises, these are in the original bundle pages 5 to 25. In addition to the evidence already given I have included additional emails which refer to crimes, criminal intelligence reports, emails and complaints from local residents for the years 2012 and 2013.

There are now two bundles of evidence, the first bundle is from the expedited review hearing and will be referred to in this statement as (Expedited Review bundle which is numbered Page 1 to 35) and the second bundle will be referred to as (Page.... Of additional evidence, which is numbered to Page 1 to 51B).

There has been a long history of incidents including drunkenness and violence since the premises opened and between January 2010 and May 2010 there were 4 incidents (Expedited Review bundle Page 4-7) resulting in a meeting at the venue with the management. As a result of this an 'action plan' was written by the General Manager (no longer employed) of the venue (Page 42-47 of additional evidence) and the premise began emailing me weekend reports (Page 1-11 of additional evidence) concerning any incidents that had occurred. These emails served as a good method of communication with the venue, they continued until August 2012. In 2010 there were 11 recorded incidents (Expedited Review bundle Page 5-11), in 2011 there were 16 (Expedited Review bundle Page 12-17), in 2012 there were 6 (Expedited Review bundle Page 17-21), in 2013 there were 5 (Expedited Review bundle Page 22-25) the latter two on 23rd November and 1st December 2013 resulting in the expedited review on 9th December 2013.

Throughout this period there were complaints from local residents to the London Borough of Brent concerning noise and anti social behaviour and some of these were forwarded to my office (Pages 12-27 of additional evidence). As a result of these complaints I spoke directly to Mr Bobby Rai to appraise him of the situation and also to police officers from Brent Borough asking them to pay attention to the premises. I am aware that there were meetings held between LB Brent Licensing officers and residents regarding these complaints. The last complaint I have been made aware of was on 21st November 2013 (Page 26 of additional evidence), this can be directly attributed to the venue because the only other nearby venue was the subject of a review in June 2013 and as a result had the operating hours reduced from 4am to 1am. You will note however that the general attitude

Signature:  Signature witnessed by:

Continuation of Statement of **Nick Mortimer**

appears to be that Peaches cannot be held accountable for incidents that occur outside the premises (Page 9 of additional evidence).

The most serious incident of 2013 occurred on 23rd June 2013 (Expedited Review bundle Page 23, Page 28-50 of additional evidence) where as a result of crowd behaviour a Tazer Gun was drawn by Police. This incident resulted in both parties being arrested and subsequently receiving a Fixed Penalty Notice for S5 Public Order Act,

CRIS 1914276/13 refers. As a result of this crime, email discussion took place between the management team and I. There appears to be a difference of opinion between the officers in attendance and the Mr Rai, however the security company has agreed to organise additional training (additional evidence Page 30) which should assist in preventing this sort of incident reoccurring.

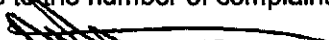
Two further incidents took place on 23rd November 2013 and 1st December 2014 (Expedited Review bundle Page 23) that resulted in the premises appearing before the Licensing Committee. In the first incident neither party was subsequently willing to substantiate the allegation, and in the second case there are currently four persons on bail and the individual mentioned for being illegally in the Country has been served papers to leave the UK.

On 9th December 2013 an expedited review hearing took place and interim conditions (bringing the terminal hour forward and other conditions added) were put in place, and to my knowledge there have been no incidents and the only possible breach has been concerning the genre of music played on Xmas Eve, which was not permitted.

Throughout the history of the premises there have been countless incidents requiring either immediate action from the emergency services or subsequent action from the Local Authority. The common theme that appears to run through the expedited review and additional evidence is drunkenness leading to violence. The premises appears to address this in the short term, after contact from the authorities, but the improvement does not last and further offences take place.

It is my opinion that the licensing objectives being breached are Crime and Disorder and Public Safety, the evidence for these breaches are the amount of assaults that have taken place within and outside the premises directly attributable to their customers. In addition the Crime and Disorder and Public Nuisance objective has been breached from the noise complaints (Page 12-27 of additional evidence) and illegal use of the enclosed Shisha smoking area (Page 48-51B of additional evidence) where not only has the business operator 'Failed to prevent smoking in a smoke free premises' – under the provision of Part 1, Chapter 1, Section 8 of Health Act 2006' but also goes against their own website advertisement (Page 48 of additional evidence) where it states that "No drinks allowed in the garden area" and "No more than 10 people will be allowed in our garden area for smoking". The area originally applied for shows only a 'beer and shisha garden' with no delineation between the two.

It is for these reasons that we applied to the committee for a review of the premises licence.

In terms of what steps should now be taken I would say the following. The record of the premises is consistently concerning: improvements do not seem to last and relapses occur each time. The Police's primary position is that the record justifies revocation of the licence. However, we also recognise that the licence holder derives his livelihood from the premises and its ongoing operation and it may be that the committee takes the view that a further chance be given to operate responsibly. In those circumstances I would urge the committee to consider curtailing the terminal hour to midnight (which, incidentally, is in line with the planning permission for the premises). An earlier finish means less drunken behaviour, because it usually means less alcohol has been consumed by closing time. It also means that the key flashpoint of closing time (or 'kicking out time') happens earlier in the night, when the potential for disturbance to neighbours is less great. I would also ask the committee, at the very least, to confirm and impose permanently the additional conditions imposed as Interim Steps since December – it does appear that they have made a difference to the number of complaints generated by and from the premises even in the short time they have been in place. 

Signature: 

Signature witnessed by:

Continuation of Statement of **Nick Mortimer**

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Signature: Signature witnessed by:

Witness contact details

Home address: **5th Floor, Brent Civic Centre, Engineers Way, Wembley**.....

Postcode: **HA9 7FJ**.....

Home telephone number Work telephone number **0208 733 3206**.....

Mobile/pager number Email address: **nick.mortimer@met.police.uk**.....

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**. 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): **Nick Mortimer**..... Station: **Brent Licensing**

Time and place statement taken: