

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: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer 008926

This statement (consisting of: 2..... 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: [Handwritten Signature] Date: 12-11-14

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

I am a Police Constable of 25 years experience, the last 19 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 roles I conduct as a responsible authority is supervising licensed premises, that they conduct their business in accordance with the four licensing objectives of the Licensing Act 2003. One of the premises I supervise is Rains, 2 Mordaunt Road, Harlesden, NW10 8BP.

In August 2014 telephone messages were received by Brent Police licensing complaining that the small green area at Acton Lane junction with Mordaunt Road was being used from early in the morning to late at night by a group of street drinkers causing nuisance, litter and anti social behaviour. I spoke to the local Police Safer neighbourhood team who confirmed the complaints, stating that the nice summer had caused a daily gathering in this area and they were constantly moving them on and removing alcohol.

In response to this on 10th September 2014 I conducted licensing visits in the vicinity of this location. At just after 0800 hours I entered Mordaunt Road, Harlesden, NW10 8BP.

The licence I had been provided with by the local authority issued in 2010, indicated the premises was authorised to sell alcohol 24 hours daily, there was mandatory conditions:

- 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 a working condition.
3. All CCTV recordings shall be kept for 31 days and shall be made available to police and licensing officers if requested.
4. 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.
5. No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium

Signature: [Handwritten Signature] Signature witnessed by:

Continuation of Statement of **Nicola McDonald**

brands.

6. "Raid Control" crime prevention measures shall be installed and all staff given suitable training.

There was one member of staff in the shop, he gave his name as Nadarajah Vijayakumaran, he told me he was a personal licence holder number 149898 issued by Brent council. He was unable to operate the CCTV. The Designated premises supervisor and premises licence holder was Thiyagarajah Thuvarakeswaren, he was not at the shop.

I instantly was taken aback with the vast amount of cans of high strength beers and ciders displayed around the shop. I also observed that none of these can or bottles were priced, either on the shelf or with a label on each item, however the wines and spirits were individually priced with labels and there was shelf pricing on the spirits.

Whilst in the shop I watched a black male with mid length dreadlocks select a can of special brew, he placed a pound coin on the serving counter and walked out putting the can in a rucksack. The cashier just typed £1.00 in to the cash register and placed the coin in the cash drawer.

I explained to Nadarajah Vijayakumaran that I did not believe the shop was authorized to sell beers and ciders above 5.5% ABV. Mr Vijayakumaran seemed adamant he could. I then had a telephone conversation with the dps. Mr Thiyagarajah Thuvarakeswaren who told me that he had applied to have the condition removed back in 2011. I left the premises explaining I would make enquiries and contact him.

I continued carrying out licensing visits around the area and at lunchtime when I walked pasted Mordaunt Road and Acton lane I saw three scruffy/dishevelled males sitting on the benches on the green, they had in their hands what looked like the shape of a can of drink covered in a black carrier bag.

I made enquiries with the Local authority and discovered that in January 2011, a minor application had been made to the local authority to vary the licence to remove condition 5 and replace it with a list of high strength brands that would be sold at the shop along with the price per can. I had never seen this application before, nevertheless a minor variation does not have to be submitted to the responsible authorities. It is my understanding of the Licensing Act 2003 that a minor variation can not be accepted if the variation involves sales of alcohol and it will have a significant impact on the licensing objectives, which this most definitely does.

I then wrote a letter to Mr Thiyagarajah Thuvarakeswaren explaining my findings from the visit to his shop, including three high strength beers on display for sale that were not on the list provided with the minor variation. Mr Thiyagarajah Thuvarakeswaren did not respond to my letter.

On 10th October 2014 I returned to the shop with PC Lewis-Evans and found the same beers highlighted in my letter still on display.

Signature:

Signature witnessed by:

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