

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: ... 1..... 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: 29<sup>th</sup> / 2016

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

I am a Police Constable of 27 years experience, the last 21 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 Crystals Sport and Shisha Club unit 2, Popin Commercial Centre, South Way, Wembley, HA9 0HB. This club has in recent months become known as Mango Club. The premises licence number is 222004769. This premise is situated on the ground floor corner in a commercial building, the unit above on the first floor and directly joining behind are also licensed premises all with very late closing times.

The premises licence holder for both Mango Club and Ruby Lounge (premises Licence number 575291 Mezzanine Floor, Unit 1 Popin Commercial Centre, South Way, Wembley, HA9 0HB) is Mr Kuppusamy kirupakaran 69 Meadowbank Road, London, NW9 8LJ. The designated premises supervisor (DPS) for both of these premises is Mr Paul Kelly 44 Fairbanks Road, Tottenham N17 9JL. The role of the DPS in a licensed premise is to manage and supervise the day to day operation of the premise and make sure it functions by upholding the four licensing objectives, inevitably these means complying with the conditions of the premises licence.

In mid September 2016 I was contacted by DC Zenga from the Roads and Transport Policing Command. She informed me of an investigation she was involved with that involved a vehicle that had been involved in a serious accident the driver of which prior to the accident had been in the area of the Popin Commercial Centre, South way, Wembley. DC Zenga informed me that Police Officers had spoken to Mr Paul Kelly and had requested he download footage to assist the criminal investigation. However since making that request they had failed to make further contact with him and the footage had not been obtainable.

On Wednesday 21st September 2016 I held a meeting with Mr Kelly at Brent Civic Centre and during it I spoke about the required CCTV footage. He appeared to be familiar with what was necessary and claimed that the delay had been due to him forgetting the password for the hardrive. Through experience I was cautious of this reason and began a more staged approach to the matter. I presented him with a written formal request for the footage, I exhibit this letter dated 21st September 2016 as NM/1. He said that he would get a CCTV engineer to the premise to assist.

As part of my investigations around licensing matters at the premises I began to examine other recent crime reports relating to allegations at the venue. Frustratingly I discovered Mr Kelly had been viewing footage on behalf of investigating officers, informing them there was nothing of value on his recordings and not downloading it for the officers to view. As a continuity of the staged approach recommended in the Licensing Act 2003 guidance I wrote a formal warning letter to Mr Kelly and I hand delivered this to him on 8th October 2016. I exhibit this as NM/2. During this time the premises was open to the public and relatively busy due to a major football game being played at Wembley stadium later that day. Mr Kelly would have been expecting a visit from Police on this day. I was in full uniform in company with PC Michelle Heath. As I entered the venue Mr Kelly guided us to the office area where the CCTV system for the ground floor and first floor premises. In the office was an Asian male, a CCTV engineer from Hawkeye Technologies, 47 Lennox Close, Chafford Hundred, RM16 6AP. He appeared to be working on the hard drive of the CCTV system. A rather staged scenario ensued whereby Mr Paul Kelly asked the engineer to download the footage from 10th September 2016 as required. The engineer then said 'no I told you it would all be lost'. Mr Kelly then said 'no I told you the reason I wanted you to do this was to download this footage'. Both men then had a verbal disagreement and the engineer left the office. The final result being that all footage that was required for the investigation of 10th September 2016 had been deleted. I will be investigating this venue further with powers under the Licensing act 2003. I am willing to attend court and give evidence if necessary.

[Handwritten Signature]

Signature: [Handwritten 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 **21st Dec to 2nd Jan 2017** *24th MAY → 4th June 17*

**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 008926 Nicola McDonald**..... Station: **Wembley**.....

Time and place statement taken: .....