

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: ... **5**..... 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: 29th/17

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

I am a Police Constable of 27 years experience, the last 20 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. I am providing this statement in addition to the application for a summary review under section 53A and the Superintendent signed Certificate under section 53 A(1)(B) of the Licensing Act 2003, both dated 7th April 2017.

Since making the summary review application I have had the opportunity to review the CCTV footage provided by Brent Council cameras 164 and 205 on 2nd April 2017 from 0130 – 0610 hours. This footage is exhibited as **MME/01** and a working copy has been supplied to the premises licence holder. I requested the footage from 0130 hours as condition 12 of the premises licence prevents and entry or re-entry in to the venue from that time. However between 0130 and 0200 hours I recorded 16 new customers arrive at the venue.

At 0204 hours the male customers involved in the disorder are allowed entry to the venue.

At 0206 hours 4 more new customers arrive, the designated premises supervisor is seen walking pasted the outside of the premises as they enter.

Between 0207 hours and 0440 hours I recorded 64 new customers allowed entry to the venue.

This breaches condition 12 of the premises licence.

There are two door supervisors on duty throughout these times, only one is clearly identifiably with a high visibility waistcoat. There is no evidence of the door supervisors using clickers or counters to monitor the capacity level.

At 0459.40hrs Mr Paul Kelly wearing a beige/grey jumper can be seen remonstrating and pushing the door supervisor back in to the smoking area away from the ejected customers. Paul Kelly appears to be acting as security; he used to be the designated premises supervisor until 20th January 2017 when he was removed due to a similar premises licence review. This highlights to Police that Paul Kelly still has more influence on the operation of the venue than the premises licence holder and designated premises supervisor.

Signature: [Handwritten Signature] Signature witnessed by: [Handwritten Signature]

Continuation of Statement of NICOLA MCDONALD

From 0500 to 0518 hours I could see the chaos outside the entrance to Ruby Lounge, South Way involving customers, two door supervisors, management, Eric Bryan Paul Kelly and Frank Chipan. This results in disorder and physical violence at 0519 – 0520 hrs.

At 0514 hours there is a second group of customers outside the venue and a sporadic rapid bout of drunk anti social behaviour, where one male attempts to pull hording from a barrier.

From 0500 hours there are numerous un-marshalled taxi's obstructing the road, one is repositioned and driven with the doors wide open.

Police consider one hour between the conclusion of licensable activity and closure of the premises, a detailed disposal police and taxi marshal would assistance in the prevention of any further crime and disorder.

The designated premises supervisor has supplied to Police all footage from all of the internal CCTV cameras in Ruby lounge from 0200 hours to 0600hours on 2nd April 2017. The timings on the CCTV footage is incorrect and behind by approximately one hour. **In order for the premises licence holder to have a more control over the running of the premises Police recommend a conditions that the premises licence holder has remote access to the CCTV cameras at the venue all the time.**

I have also had the opportunity to view this footage and convert on to a DVD, I exhibit this footage as **NM/1**, there are two DVD's of footage from these cameras and a copy has been supplied to the premises licence holder.

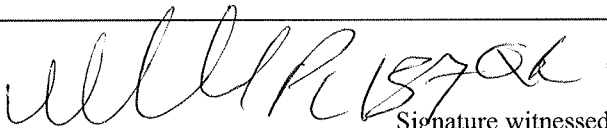
Camera 10 from 0330 hours to 0350 hours shows the customers involved in the later disturbance. They are clearly unsteady on their feet, slouched back on the seats falling asleep, bumping in to other customers dancing whilst holding glasses and colliding with other customers and dancers. They are in close proximity to a door supervisor and the waiter but they are not challenged until they are ejected just before 0500 hours.

The premises licence permits licensable activities until 0500 hours. However footage clearly shows licensable activities taking place after this time.

Throughout the footage there is one female member of staff wearing glasses working behind the bar. There is a mixture of customers going to the bar to purchase alcohol or service at the table by a waiter identifiable by wearing a baseball cap. Customers can be seen purchasing full bottles of champagne and spirits. Camera 10 shows at 0123 hours and again at 0231 hours the customers involved in the disorder are served a bottle of spirits to their table. In addition to this those males are seen visiting the bar and buying bottles of beer. Camera 10 identifies other drunken males in the venue on neighbouring tables.

In order to supervise the alcohol intake of customers more responsibly, Police recommend that that the venue have a condition that prevents the sales of full bottles of spirits and champagne, instead it is sold by the measure or glass. In addition Police request the designated premises supervisor complete the BII Level 2 advanced DPS course.

The type of entertainment provided at Ruby Lounge appears to encourage groups of males, under the influence of alcohol' to gain courage to take part in the dancing. Further consumption of alcohol for excessive hours with

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Continuation of Statement of NICOLA MCDONALD

no supervision leads to drunkenness and bullish behaviour with the dancers. **Police believe a reduction in the hours of licensable activities would help combat this approach to a visit to Ruby Lounge.**

During this time three 999 calls were made to Police Cad's 1833,1802 and 1828 refer. The calls are made by customers from the venue. In the summary hearing it was claimed that staff at the venue phoned Police, this is not correct. I exhibit these three CAD reports as **NM/2**

I Exhibit **NM/3** a copy of an incident report provided from the log at Ruby Lounge by the DPS. There are no details of who completed the entry. It clearly states 'these men where drunk and disorderly'. There is no mention of visible injuries and it states Police were eventually called BUT CAD number not given.

I Exhibit **NM/4**, five other incident reports dated 11th to 23rd March 2017 that are all signed by the door supervisor Thomasz Luther. The report dated 23rd March 2017 refers to a drunken customer inside the premises being ejected at 0155 hours.

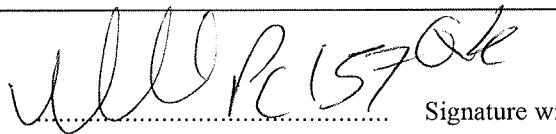
Police suggest the premises licence should have a condition attached to the licence for a comprehensive incident book and documented staff training.

I Exhibit **NM/5** a refusal record dated from 3rd March to 9th April 2017 provided from the log at Ruby Lounge by the DPS

On 15th March 2017 a meeting was arranged at Ruby Lounge, details of this are highlighted on the initial application for a summary review under section 53A (Page 54 of the bundle).

On Friday 21st April 2017 a meeting was arranged by Mr Richard Baker a licensing agent representing the designated premises supervisor. Invited to the meeting was Roy Light (legal representative) Mr Kirupakaran Kuppasamy, his nephew Tharshan Navaratnarasa, the DPS Vamanaganasha Sriharan, a female member of staff RAMIR and Krista Brown the director of a new security company Persona and I. When I arrived at the venue I was greeted by Mr Baker and an unhappy Krista Brown. She gave me a contact card and explained her company was looking at applying to the SIA for security contractor approval, however she said there was a male inside the venue attending the meeting called Mr Chipan that she was unwilling to work with and that her company would not be providing security at Ruby Lounge. She did not remain for the meeting.

I entered the venue and sitting around a table were all of the above expected persons in addition to Mr Frank Chipan who describes himself as the general manager of Ruby Lounge and Mr Eric Bryan who works for Mr Chipan and who would like to become the DPS of Ruby Lounge. Mr Light and Mr Baker also appeared surprised by Mr Chipan and Mr Bryan's presence at the meeting. Throughout the meeting Mr Kuppasamy and Mr Sriharan said very little. Mr Chipan's appearance and input stressed he has a higher stake in this venture than it would appear on paper. Mr Chipan explained that most of his customers are regular visitors to the club and are wealthy businessmen; they have a policy that regulars may invite guests. No Policy or membership details were provided. He claimed the men that had attended on 2nd April had been sent by another club to cause trouble however it was not disclosed which regular customer had allowed them in as guests. **I suggested an identification scanner would be beneficial and a deterrent for customers causing problems or inappropriate with the dancers.**

Signature:  Signature witnessed by:

Continuation of Statement of Nicola McDermott

Mr Chipan claimed that wealthy regulars would be very reluctant to provide their details. Mr Chipan gave a verbal reassurance that no customers would enter after 0130 hours and was adamant that if the licensable hours were reduced the venue would not survive. There was no recognition from the DPS or premises licence holder why this condition had been in breach in the first place. Mr Light suggested licensable hours cease at 0430 hours and all customers out by 0500 hours. Mr Chipan was also firm that VIP security (who was employing the security on the night of the disorder) remain working at the venue. VIP security are not approved security contractors by the security industry authority. A representative from the SIA has been requested to attend the full hearing so questions can be put to him about the security industry.

Police recommend that the venue hold a contract for security industry services with an approved SIA contractor and all door supervisors operating on the premises are employed by that contractor.

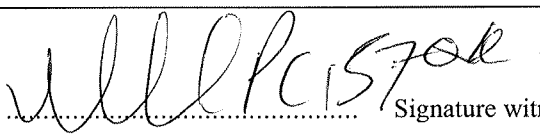
Although these issues were discussed no agreements were made.

Mr Light was content to point out that there had only been one incident at Ruby Lounge that had then lead to the Summary Review. However it is important for the Committee to understand that since autumn 2016 Brent Police Licensing team has had regular contact with Mr Kuppasamy, Mr Sriharan, and other members of their operational teams, in relation to all of the four licensed premises owned by Mr Kuppasamy within the Popin Commercial Centre. They are fully aware of the licensing objectives, legislation and expectations of the licensing authority. Currently the turmoil within Mr Kuppasamy's venues is having a negative impact on the crime and disorder objective and a draining effect on Police resources. Mr Kuppasamy's premises have gained a negative reputation which hopefully can be improved with Police suggestions and a robust leadership and positive plan for the future operation. Mr Kuppasamy and Mr Sriharan's positions are undermined by other influences not to the benefit of the licensing objectives, this needs to be addresses by the members. In order to evidence the work Police have conducted with Mr Kuppasamy and Mr Sriharan I am exhibiting several documents. One of these includes exhibit **NM/6** the premises licence review application for Crystal Sport and Shisha signed 21st January 2017.

Exhibit **PW/1** is a statement from Thursday 30th December 2016 relating to the service of a closure notice on Mr Kuppasamy for Crystal Sport and Shisha Bar and half of Aqua Bar as a consequence of crime and disorder at both of these venues.

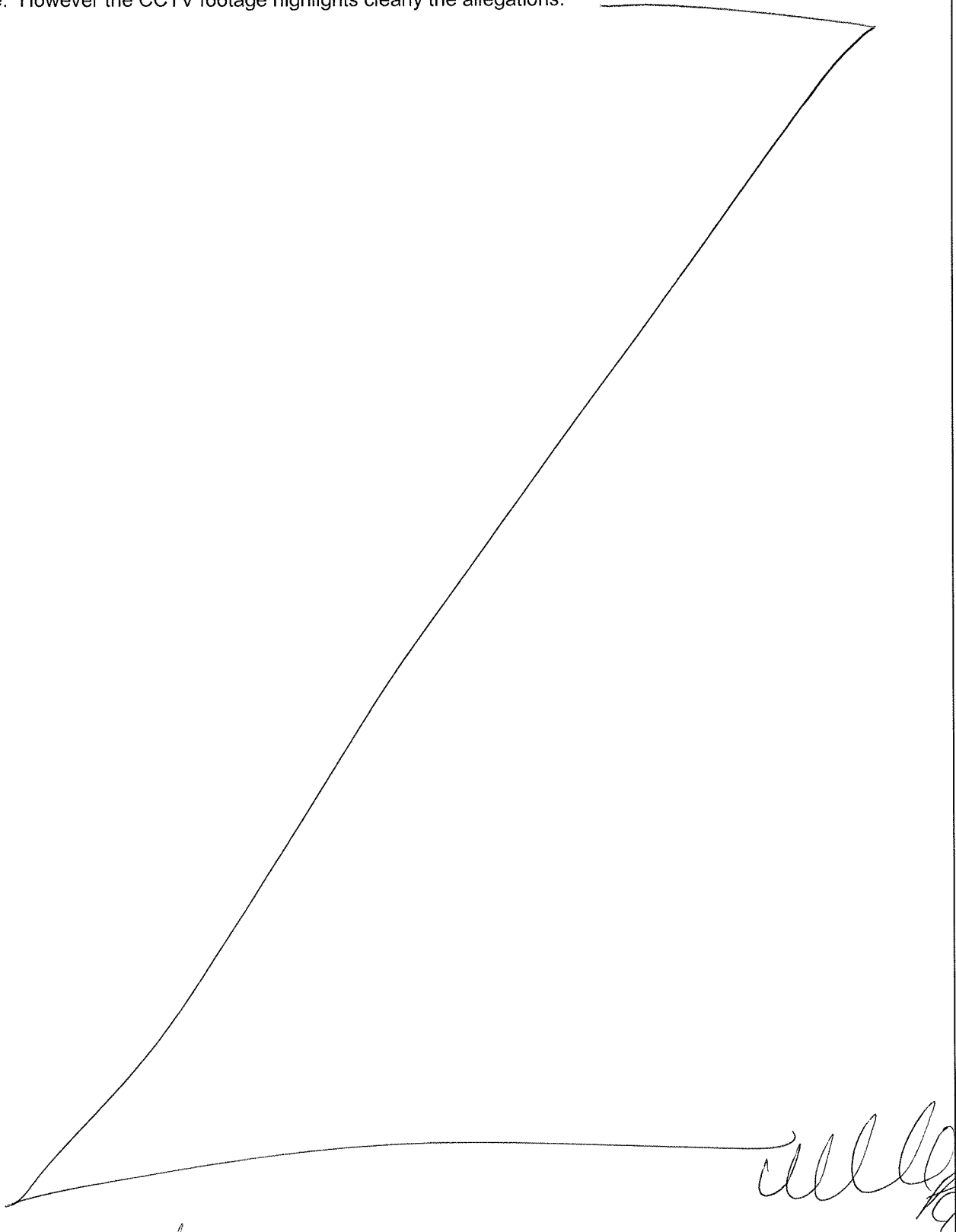
I exhibit **NM/7** the Security Staff Time sheet from Ruby Lounge from 3rd April 2017 (day after disorder) until 11th April 2017. Both security guards involved in the assault continued to be employed at the venue despite advice and the license holder and DPS been fully aware of their violent behaviour.

I exhibit **NM/8** a photo taken 11th April 2017 during a visit to Ruby Lounge of three microwaveable meals in the fridge behind the bar. These three meals are described by the DPS as 'substantial food' provided under condition 10 of the premises licence.

Signature:  Signature witnessed by:

Continuation of Statement of NICOLA MCDONALD

There are two on going criminal investigations in relation to the disorder on 2nd April 2017. CRIS 1908056/17 and 1909361/17 refer. At this stage I am not providing details of these reports as suspects and victims details are sensitive. However the CCTV footage highlights clearly the allegations.



Nicola McDonald

[Signature]
18/5/17

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

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): **PC157QK Nicola McDonald** Station:

Time and place statement taken: