

## WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Sergeant Damien Smith 253NW

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

This statement (consisting of 7 page(s) 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 in it anything which I know to be false, or do not believe to be true.

Witness Signature: P.S. Damien Smith 253NW Date: 19/1/2020

This statement refers to Poziomka at 30-32 High Street Harlesden NW10 4LX. Poziomka, 30-32 High Street, Harlesden, NW10 4LX currently has a premises licence to sell alcohol between 0800 hours until 2300 hours, 7 days a week. The premises are open to the public between the same hours. The premise licence holders are Mr Sebastian KAAMINSKI and Mrs Monika KAMINSKA. Mrs Monika KAMINSKA is the Designated Premises Supervisor (DPS).

The venue is situated on a busy high street with residential premises above the commercial units. There are other licensed premises in close proximity. The high street is within Harlesden Ward and part of the North West Command Unit. Harlesden has been identified as a crime hotspot area.

Currently the premises licence has 15 conditions attached to annexe 2 of the licence and consistent with the operating schedule.

1 CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

2 A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the alcohol shelves.

3 The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

4 A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

5 A "Challenge 25" policy shall be adopted and adhered to.

6 A refusal book detailing date and time of the refused sale and the name of the person refusing the sale shall be kept and maintained and made available for inspection at the premises.

7 A suitable intruder alarm complete with panic button shall be fitted and maintained.

8 The following crime prevention measures shall be implemented:

\* A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area

\* Regular robbery awareness and cash minimisation training shall be given to all staff.

9 A clear and unobstructed view into the premises shall be maintained at all times.

10 No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.

Witness Signature: P.S. Damien Smith 253NW

Signature Witnessed by Signature: .....

Continuation of Statement of: *PS Damien Smith 253NW*

**11 An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:**

- (a) all crimes reported to the venue
- (b) any complaints received
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

**12 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.**

**13 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.**

**14 All alcoholic drinks shall be clearly labelled or marked with the name of the premise.**

**15 All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.**

Representing one of the responsible authorities I do not see these 15 conditions as onerous and they are relevant to the premises operating aligned to the 4 licensing objectives.

In February 2016, an application for a new premises licence was received in relation to this venue. The applicants being Mr Sebastian KAMINSKI and Monika KAMINSKA. Monika KAMINSKA was the DPS at this venue prior to the 2016 application. Harlesden ward was experiencing a high level of street drinking and littering at the time of the 2016 application. Based on the street drinking in the area some of the conditions imposed on the premises were to assist in tackling the issue, namely marking each alcohol product with a price sticker with the stores name displayed.

In 2018, the premises had the following crimes recorded with the Metropolitan Police; with the premises identified as the victim, including assaults on staff members.

1902\*\*\*/18 24<sup>th</sup> January 2018 – Burglary  
 1902\*\*\*/18 1<sup>st</sup> February 2018 – Theft  
 1912\*\*\*/18 17<sup>th</sup> May 2018 – robbery – staff assaulted  
 1912\*\*\*/18 18<sup>th</sup> May same suspect returned and caused criminal damage  
 1912\*\*\*/18 18<sup>th</sup> May late in the evening different suspect stole from store  
 1915\*\*\*/18 21<sup>st</sup> June 2018 theft – issues with securing CCTV – manager away  
 1918\*\*\*/18 22<sup>nd</sup> July 2018 theft

\*Full crime report numbers known to Police.

On 29th October 2019 I visited the premises accompanied by Licensing inspector Chan from the council licensing team visited 30-32 High Street NW10, the premises named Poziomka. While at the venue breaches were identified including No Personal Licence holder being present.

**Section 136 Licensing Act 2003 ... conducting licensable activities without authority:  
 The following conditions attached to annex 2 of the premises Licence were not being adhered to:**

Witness Signature: *PS Damien Smith 253NW*

Signature Witnessed by Signature: .....

Continuation of Statement of: *PS Damien Sutton 253NW*

**Condition 1: CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.**

No one at the store could provide CCTV

**Condition 3: The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request**

No record exists or has been updated with the faults

**Condition 4: A sign stating "No proof of age – No sale" shall be displayed at the point of sale.**

There is no signage displayed by the point of sale

**Condition 5: A "Challenge 25" policy shall be adopted and adhered to.**

There is no evidence that the Challenge 25 policy is in use. There is no signage and staff did not know what was meant by the policy

**Condition 6: A refusal book detailing date and time of the refused sale and the name of the person refusing the sale shall be kept and maintained and made available for inspection at the premises.**

No such log / record exists and as such is not being maintained

**Condition 8: The following crime prevention measures shall be implemented:**

\* A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area

\*Regular robbery awareness and cash minimisation training shall be given to all staff.

There is no safe at the counter area and there is no evidence of any training provided regarding robbery awareness. This would support the amount of crime reports as recorded in 2018.

**Condition 11: An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:**

- (a) all crimes reported to the venue
- (b) any complaints received
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

No log record exists

**Condition 12: 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.**

There was part B but no summary visible.

**Condition 13: 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.**

No Personal Licence holder was present and alcohol was on display and being sold.

**Condition 14: All alcoholic drinks shall be clearly labelled or marked with the name of the premise**

The alcohol in the fridge did not have stickers on all of the containers of alcohol for sale bearing the premises name.

**Condition 15: All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.**

No written log could be produced. Staff were selling alcohol without training and in the absence of the PLH/DPS

Witness Signature: *PS Damien Sutton 253NW*

Signature Witnessed by Signature: .....

Continuation of Statement of: *PS Damien Smith 253NW*  
 On 29<sup>th</sup> October Licensing Inspector Chan sent a letter to the DPS and licence holders detailing the requirement to adhere to the licence conditions with all 15 listed as a reminder.

On 3<sup>rd</sup> December 2019 I visited the premises accompanied by Inspector Chan. I expected to see improvements and the licence being adhered to. On this visit I noticed no changes had been made and there was no personal licence holder present. The following breaches were discovered;

**Section 136 Licensing Act 2003 ... conducting licensable activities without authority:**  
**The following conditions attached to annex 2 of the premises Licence were not being adhered to:**

**Condition 1: CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.**  
 No one at the store could provide CCTV

**Condition 3: The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request. No records exist to monitor the CCTV is functionality.**

**Condition 4: A sign stating "No proof of age – No sale" shall be displayed at the point of sale.**  
 There is no signage displayed by the point of sale.

**Condition 5: A "Challenge 25" policy shall be adopted and adhered to.**  
 There is no evidence that the Challenge 25 policy is in use. There is no signage and staff did not know what was meant by the policy.

**Condition 6: A refusal book detailing date and time of the refused sale and the name of the person refusing the sale shall be kept and maintained and made available for inspection at the premises.**  
 No such log / record exists and as such is not being maintained.

**Condition 8: The following crime prevention measures shall be implemented:**

**\* A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area**  
**\*Regular robbery awareness and cash minimisation training shall be given to all staff.**  
 There is no safe at the counter area and there is no evidence of any training provided regarding robbery awareness. This would support the amount of crime reports as recorded in 2018.

**Condition 11: An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:**

- (a) all crimes reported to the venue
- (b) any complaints received
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

No log record exists.

**Condition 12: 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.**

There was part B but no summary visible.

Witness Signature: *PS Damien Smith 253NW*

Signature Witnessed by Signature: .....

Continuation of Statement of: *PS Damien Smith 253NW*

**Condition 13: 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.**

No Personal Licence holder was present and alcohol was on display and being sold.

**Condition 14: All alcoholic drinks shall be clearly labelled or marked with the name of the premise** The alcohol in the fridge did not have stickers on all of the containers of alcohol for sale bearing the premises name.

**Condition 15: All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.**

No written log could be produced. Staff were selling alcohol without any training and in the absence of a PLH / DPS.

While in the store Inspector Chan was able to speak to the DPS Mrs Monika KAMINSKA and explain that our findings were not satisfactory and not what was expected from a responsible Licence holder and premise supervisor. A meeting to discuss the matter was arranged for 11<sup>th</sup> December 2019.

On 5<sup>th</sup> December 2019, a crime was reported to Police. This crime was recorded as a commercial burglary at the premises. A suspect stole cash from the till in the venue. Thank fully no one was injured. The officer in charge of this case has tried to obtain CCTV for this report but to date has been unsuccessful in doing so.

On 10<sup>th</sup> January 2020 around 1050 hours, I attended the premises in the company of PS Sullivan and Inspector Chan from the council licensing team. I held a belief that the warning letters, phone call and face-to-face meetings would lead to the DPS / licence holders acting swiftly to address the breaches that were pointed out in 2019. However, the following issues were identified.

**Section 136 Licensing Act 2003 ... conducting licensable activities without authority:**  
The following conditions attached to annex 2 of the premises Licence were not being adhered to:

**Condition 1: CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.**

No one at the store could provide CCTV

**Condition 3: The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.** Again, no records were being maintained or even existed.

**Condition 4: A sign stating "No proof of age – No sale" shall be displayed at the point of sale.**  
There was no signage displayed by the point of sale

**Condition 5: A "Challenge 25" policy shall be adopted and adhered to.**

There was no evidence that the Challenge 25 policy is in use. There was no signage displayed and staff did not know what was meant by the policy.

**Condition 6: A refusal book detailing date and time of the refused sale and the name of the person refusing the sale shall be kept and maintained and made available for inspection at the premises.**

Again, there was no evidence of any records existing or being maintained.

**Condition 8: The following crime prevention measures shall be implemented:**

\* A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area

\*Regular robbery awareness and cash minimisation training shall be given to all staff.

Witness Signature: *PS Damien Smith 253NW*

Signature Witnessed by Signature: .....

Continuation of Statement of: *PS Damien Smith 253NW*

There was no safe at the counter area and there is no evidence of any training provided regarding robbery awareness.

**Condition 11: An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:**

- (a) all crimes reported to the venue
- (b) any complaints received
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

No log record existed.

**Condition 12: 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.**

There was part B but no summary visible.

**Condition 14: All alcoholic drinks shall be clearly labelled or marked with the name of the premise**


The alcohol in the fridge did not have stickers on all of the containers of alcohol for sale bearing the premises name.

**Condition 15: All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.**

No written log could be produced. Staff were selling alcohol without any training and in the absence of a PLH / DPS. While the council and police teams were at the venue a female staff member sought permission from Police to sell alcohol at the counter.

This visit had one improvement from the October and December visits. That difference was the DPS was present on this occasion and this afforded the officers to speak to the DPS face to face. The DPS, Mrs Monika KAMINSKA eventually managed to print off a summary copy of the premises licence. It was apparent that once officers went through the conditions as they appear on the licence, the DPS seemed tearful and upset at the amount of breaches identified. I informed the DPS that I was going to apply for a review of the premises licence. I informed the DPS that I could see no reason as to why the chances afforded by the Council and Police teams were not acted upon. The DPS did not respond with any reasons as to why no action or improvements had been made.

On the 16<sup>th</sup> January I sent a review application through to the Council licensing team, detailing my findings. I am fully aware that as police officer I am working on behalf of a responsible authority. All I can do as a responsible authority is provide evidence to enable the Licensing committee or Sub Committee to make informed decisions. The review application has been accepted with the consultation date set at 13<sup>th</sup> February 2020. *PS Damien Smith 253NW*

Witness Signature: *PS Damien Smith 253NW* 

Signature Witnessed by Signature: .....

**Witness contact details**

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Name of witness: PS Damien Smith 253NW  
 Home Address: C/O Harrow Police Station  
 E-mail address: damien.smith@met.police.uk  
 Home Telephone Number:

Postcode:  
 Mobile:  
 Work Telephone Number: 02087335008

Preferred means of contact (specify details for vulnerable/intimidated victims and witnesses only):

Gender: Date and place of birth:  
 Former name: Ethnicity Code (16 + 1):

**DATES OF WITNESS NON-AVAILABILITY:**

**Witness care**

- a) Is the witness willing to attend court? YES If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance? Advanced notice
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?).

**Witness Consent (for witness completion)**

- a) The 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 the police..." 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, or other proceedings if applicable, e.g. child care proceedings, CICA Yes  No  N/A

*'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.'*

Signature of witness: *PS Damien Smith 253NW* PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement compiled by: *PS Damien Smith 253NW* Station: Harrow -P&P

Time and place statement taken: Harrow Police Station 19/1/2020

