

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 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: **Date:** 30/1/2014.....

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

I am a Police Constable of 24 years experience, the last 18 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 processing and making considerations for representations to new premises licences in accordance with the four licensing objectives of the Licensing Act 2003.

On Saturday 14th December 2013 at approximately 2030 hours I attended Location Café 232 High Road, Willesden, NW10 with my colleague PC Lewis-Evans. On 22nd November 2013 Police received an application for a premises licence under section 19 of the Licensing Act 2003 for this venue. The applicant for this premises is 'Location Café Ltd'. The application is signed by Koshin. A. M. in the capacity as manager. Entering the premises from the main High Road the venue looked closed as it was void of customers in the front room, however I could smell the distinct pungent aroma of shisha smoke. I introduced myself to a Somali male who was standing behind the serving counter. He explained he was not the owner or the manger just 'a friend' helping out. He refused to give me his name. I then opened a solid wooden door at the rear of the front room and discovered approximately 6 customers sitting in a room (named as Café on the plans submitted with the application) watching football on a large screen television. I walked through this room; the smoke smell was stronger and thicker. I passed a kitchen to my right(named as utility room on the plans submitted with the application) it contained over 20 shisha smoking hookahs, shisha smoking pipes hanging on the wall and tubs of shisha tobacco. There is an external door leading from the utility room/kitchen, as I opened it I saw a chiminea stacked with burning coals to feed the Hookahs. As I entered the back room there were approximately a dozen males sitting around smoking shisha. The smoke was thick and hazey. This room was fully enclosed. There are shutters at the rear of this room, even if they had been open this room would have been more than 50% enclosed. The only means of emergency escape was the front entrance door. If a fire had broken out in the front of the building customers would have been trapped. Standing in this room I could feel the effects of the smoke and possible carbon monoxide. I took a photo of this room I exhibit this as N/M1. I returned to the front counter and asked the Somali male if Koshin was available. He then used his mobile phone and spoke in a language I could not understand. The Somali male said he will be back soon, but could not be more specific. I waited in the front room of the venue for approximately half hour for the manger to return. During this time I never saw any food preparation or service. The kitchens main function is for shisha preparation. The manger did not arrive in that time. I left my details for Koshin at the venue with the Somali male.

Signature: **Signature witnessed by:**

Continuation of Statement of

Neither Koshin or any other representative of Location Café have made contact with me to the date of this statement.

On Friday 24th January 2014 at 2045hrs I returned to this premise in company with PC Lewis-Evans and enforcement officers from London Borough Brent safer streets team. There were a couple of people sitting in the front room on this occasion. I could smell the strong pungent shisha smoke smell coming from the back room again. I walked through into the rear room. It was busy with people watching football on a large screen TV and smoking shisha. The room once again was fully enclosed, the rear doors were closed and the only means for emergency escape was through the front entrance. The room was full of smoke. The kitchen area add a similar amount of Hooks and smoking pipes hung on the wall. Several tubs of shisha tobacco was cluttering the worktop. I spoke to two Somali males that I had witnessed smoking shisha. They wanted to know the reason for the enforcement visit. I explained to them that it was illegal to smoke in an area that was open to the public or where people were employed that was more than 50% enclosed, I outlined health hazards involved. The males gave there details as Asad Susien Addi, 14th June 1990, 80 Lilburne Walk, St Rafael's Estate, NW10 and Mr Liban Osman, 22nd August 1984, 18 Hiley Road Kensal Green NW10 5PS.

Just after 2100 hours I was aware that enforcement officer Andreas Kirschner was speaking to a male who gave the name as Karshe Mohamed. I asked this male if he was Koshin A.M. the manager, he said no. At 2120 hours I was aware a male had arrived at the venue who was claiming to be the owner. He gave his name as Leban Mohamed. At 2125 hours Andreas Kirschner cautioned Leban Mohamed and asked him a series of questions in relation to the smoking of shisha.

At 2140 hours we left the premises.

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
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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: