

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: ... 18 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: 30/4/2014.....

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 supervising licensed premises, that they conduct their business in accordance with the four licensing objectives of the Licensing Act 2003.

On 2nd March 2014 at around 0330 hours five emergency calls were made to Police relating to a large fight and serious disturbance at the Carlton Lounge (Cads 1578,1590,1600,1583,1606 refer).

Two allegations of assault were made to police that involve continuing investigations, Cris 1905096/14 and 1905537/14 refer.

Officers who attended the scene reported there were drunkenness and young persons involved.

I spoke to Mr Tavi Thevarajah the Designated Premises Supervisor (DPS) on 8th March to ascertain what had happened. He informed me there had been an 18th birthday party at the venue. I requested a copy of the CCTV footage in accordance with the premises licence for the venue, in writing. Mr Thevarajah did not respond to my request, so on 14th March I repeated the CCTV request over the telephone. He informed me he was visiting Carlton Lounge that evening and would have the footage for me. I intended to examine the footage, speak to the DPS and risk assess why the party had gone so badly wrong leading to serious disorder and crime.

On 19th March 2014 I received an email from Mr Thevarajah that had a copy of an invoice dated 17th March 2014 for a replacement hard drive for the CCTV system for Carlton Lounge. There was no explanation from Mr Thevarajah, just the invoice.

On Sunday 23rd March 2014 I visited The Carlton Lounge and spoke with Mr Thevarajah. He confirmed that the CCTV had not been operating on the night of the disorder, he could not comment for how long the CCTV had been inoperable as he does not regularly check the system. Not only does this prevent me from exploring the disorder from a licensing perspective but also hampers the investigation of the two assaults. It is one of the key roles of a DPS to ensure the CCTV is operating correctly before permitting licensable activities on the premises. I asked to see the incident book which should have a clear record of what happened on the night of the serious disorder. Not only could Mr Thevarajah not provide an incident book (even after phoning his wife it still could not be located) he stated there would be no entry in it because he had not made an entry. I understand Mr Thevarajah had been injured during the night of the disorder, but that was 21 days before I requested to see the incident book. That gives sufficient time for Mr Thevarajah, if he held proportionate supervision to make an entry or delegate to one of his staff members that had been present on that night.

I asked to see the refusals book, this was misplaced. Mr Thevarajah informed me that some people had been refused entry to the party or service at the bar because they were either drunk or did not have identification proving they were over 18 years old. This should have been entered in the refusals book which should have

Signature: [Handwritten Signature] Signature witnessed by:

Continuation of Statement of **Nicola McDonald**

been overseen by a fit and proper DPS.

I asked to inspect the door supervisor's log. This was available to view. There were three door supervisors employed on the night of 2nd March, listed as Dameion, Leo and William.

It appears that they finished their duty at 0300 hours on 2nd March, and this time had been clearly overwritten to 0330 hours. I produce photos of this log at NM/1 and NM/2. This falsification is a disappointing discovery. The booking on and off of door supervisor's is a role of the DPS, who should check they have their SIA badges when starting work to fulfil their duty legally.

If the DPS was not present I would expect his authority and roles to be delegated to an appropriate person. Mr Thevarajah was in attendance on the night these shortfalls were identified.

The broken CCTV, missing incident book and incorrect doors supervisor logs are all conditions of the premises licence and were evidently breached.

Mr Thevarajah acknowledged there were still customers inside the venue when the disorder began outside, and that he and his family had to intervene because the door supervisors had left the premises. Not only is this bad practice but a breach of the licence. Door supervisors are requested as a condition of the licence because they are trained in conflict management. If the door supervisor's had still been present at the venue until the time the premises closed to the public and all customers had left I believe that Mr Thevarajah would have avoided his injuries.

During the night of 1st to 2nd March 2014, in addition to the birthday party on the first floor the remainder of the Carlton Lounge was open as usual to members of the public. The first floor has a capacity of 100 including staff; the ground floor has a capacity of 300 including staff.

In my opinion with nine years experience in the licensing field Mr Thevarajah decision to employ only three door supervisors to cater for this night is inadequate. An 18th party is always more demanding due to the overlapping of ages of the friends/guests. With a 400 capacity of the premises a minimum of 4 doors supervisors would be expected before taking in to consideration the added challenges that come with supervising guests that could be underage or not used to consuming alcohol.

The security log completed by Dameion Newell reads '*Unfortunately the lack of action taken by the responsible adults/parents of the 18-year-old seemed to endorse such behaviour*'. On 14th February 2014 Nick Mortimer and I attended the Carlton Lounge to speak to Mr Thevarajah at his request. He was enquiring about applying to extend the hours of licensable activity in order to take more bookings for parties finishing after 3am. At that meeting Mr Thevarajah attempted to persuade us that there was no need for addition security when he held private parties upstairs because he would always ensure that there would be 'responsible adults within the organising groups'. It was pointed out to him that responsible adults have no standing within the licensing act and that he can not devolve his responsibility with the blanket statement 'that I will ensure there are grown ups' upstairs. We further advised him that should he even consider 18th birthday parties then good practice would dictate that he should discuss it with Brent Police Licensing first and that an event management plan should be considered. I pointed out to him that many 18th birthday parties had occurred within licensed premises on the borough and that often they ended up with both assaults and anti-social behaviour, I even told him that some premises no longer hold 18th birthday parties due to the aggravation this can cause. This clearly shows Mr Thevarajah's reluctance to accept advice and highlights further why he is not suitable to be in the position of DPS.

During both my visits on 14th February and 23rd March 2014 I saw that the the smoking/Shisha area was open for licensable activities. This area was smoky and in excess of over 50% enclosed (the front entrance doors beneath the Tiger Lounge signage were closed). I do not enforce the Health Act legislation but I would say this structure is breaching regulations.

At the licensing sub-committee hearing for the Temporary Event Notices held on 27th March 2014 Mr Thevarajah was asked several questions by the committee members, via the Chair Councillor Harrison. One of those questions was did Mr Thevarajah know the Licensing Objectives? Mr Thevarajah was unable to answer this question so it was explained to him in a more practical simpler form. Unfortunately Mr Thevarajah still could not identify the goal of the Licensing Act. Mr Thevarajah concluded by saying what had happened on 2nd March was beyond his control. The DPS is the one person who controls the premises, in my opinion what happened on that night was due to his lack of control and correct supervision.

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:

