



**TOTAL POLICING**

**Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

- Before completing this form please read the guidance notes at the end of the form.
- If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
- You may wish to keep a copy of the completed form for your records.

I **Patrick Moran** make this representation on behalf of the Commissioner Of the Metropolis Police apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

**Part 1 – Premises or club premises details**

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

McC DONALD'S 361 -363 STATION ROAD HARROW

Post town: **HARROW**

Post code: **HA1 2AW**  
(if known)

Name of premises licence holder or club holding club premises certificate (if known):

K & G RESTAURANTS LTD 1 ARCHGATE BUSINESS CENTRE 823-825 HIGH ROAD LONDON N12 8UB

Number of premises licence or club premises certificate (if known):

LN/000007813/2014/1

**Part 2 – Applicant details**

- I am:
- |  |                                     |
|--|-------------------------------------|
|  | Please tick Yes                     |
| <b>1</b> an individual, body or business which is not a responsible authority<br>(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/>            |
| <b>2</b> a responsible authority (please complete (C) below)   | <input checked="" type="checkbox"/> |
| <b>3</b> a member of the club to which this application relates (please complete section (A) below)  | <input type="checkbox"/>            |



## PROTECTIVE MARKING

### (A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:					First Names:				
I am 18 years old or over					<input type="checkbox"/>				
Current postal address if different from premises address:									
Post town:					Post code:				
Daytime Tel. No.:					Email: (optional)				

### (B) DETAILS OF OTHER APPLICANT (fill in as applicable)

Name and Address:

Telephone Number (if any):

Email address: (optional)

### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)

Name and Address:

Metropolitan Police 74 Northolt Road Harrow HA2 0DN

Telephone Number (if any): [REDACTED]

Email address: (optional) Patrick.A.Moran@met.pnn.police.uk

### This application to review relates to the following licensing objective(s)

Please tick one or more boxes

1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input checked="" type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>

Please state the ground(s) for review: (please read guidance note 2)

The Police have asked for a Premises Licence Review due to the increase of incidents of crime and disorder reported to police over the last 10 months. I have looked at Computer Aided Dispatch (CAD) entries, these are calls made to police via 999, requesting urgent police attendance at the venue.

Crime & Disorder

This premise is situated in Station Road and attracts the late night revellers at closing time from licensed premises. The restaurant is situated in Station Road in a parade of shops, across the road from the Trinity Bar. In this locality there are five licensed public houses all within walking distance of Mc Donald's. This is the only premises which are open until 3.00am on Saturdays and Sundays. Offering Late Night Refreshments as it has a licence for this service. The business is in a residential area at the top end of Station Road surrounded by residential properties, with some residents living above the shop.

The premises have seen an increase in Crime & Disorder reported to police over a period of time. Police and partners have addressed this problem by having had meetings with the Mc Donald's in September 2016 to discuss.

## PROTECTIVE MARKING

The business failed to follow agreed actions plans set prior to the meeting and were issued a Community Protection Notice as they were not banning individuals who were causing ASB, committing crime and reporting this information to licensing authority or police.

Action plans were drawn up by partners with Mc Donald's on 15/09/2016 to address the crime and disorder. Time scales were set and agreed. It was agreed at this meeting an additional security would be put in place during the afternoon to deal with school children and anti-social behaviour. This was also due to the increase of gang activity seen inside and outside the premises by police.

This activity was drug dealing, assaults and intimidation of customers using the premises. With these additional measures in place the business saw a reduction of anti-social behaviour during the late afternoon. It was agreed the security door staff could be removed in the afternoon, at the last meeting held with partners in February 2017.

Please see details giving time and date of these Computer Aided Dispatch (CAD) entries where police assistance is required.

### Appendix 1

Between 03/06/2016 and 06/03/2017 there has been 71 calls to police these calls were made by members of the public, residents and staff working inside the premises. Of these seventy one incidents only twenty eight calls were recorded as crimes either on the premises or outside. Three calls recorded as Merlins. This is where the persons have been identified as being vulnerable adults and are at risk. Two calls for ambulance assistance. Thirty eight calls recorded as not crime, eight calls where police had comes across the incidents while on patrol in the area.

These seventy one incidents has resulted in only twenty eight crime reports being completed, equating to 39%. Thirty eight crimes shown as not crime this equates to 53%. The concerns of these thirty eight calls shown as not crime, eleven of these were reported as violence against the person which is 39% when the initial call was made to police.

The reason why these calls have been shown as not crime in this manner, is when police arrive at the venue, staff or public are not prepared to give statements to police. To support a prosecution for the offence committed by others.

Results crime reports as follows:-

Racial Aggravated Harassment 3  
Public Order 5  
Affray 2  
ABH 4  
GBH 2  
Common Assault 6  
Theft 4  
Criminal Damage 2

One of the reports CRIS 2010968/16 (GBH) is where a customer has gone to the venue to purchase some food, he has got involved in an altercation where he sustained a knife wound to his chest.

CRIS 2008169/16 report, female victim assaulted inside the premises head butted by male in the face. Victim sustained injury to her nose. Suspect made off, arrested at later date.

During the Late Night refreshment period between 2300 – 0500 there were 32 calls out of the seventy one equating to 45%.

This quantity of calls to police during this period has a huge drain on police resources. Having an impact on police response times to other incidents within the community. Colleagues have reported to me that they get called to the restaurant deal with incidents, staff is not prepared to provide statements to police on arrival or CCTV not being downloaded as they report staff member not available.

Please see statement obtained from Inspector Wilson dated 27 March 2017 summary as follows, call made by manager requesting urgent police assistance. Customers are fighting with staff. Inspector attended with officers, as officers had complained to him, they attended the previous night to deal with alcohol related disorder on the premises. Staffs were not prepared to provide statements to police. Inspector had a discussion with manager [REDACTED] in the office regarding the lack of support from staff on police attendance. [REDACTED] voiced his concerns he feared for his safety and staff, he did not want to be attacked when finishing work. He was not happy to work late, Inspector Wilson appealed for his co-operation in supporting police when they attend. [REDACTED] agreed his staff would provide statements to police.

See supporting statements:-

PC Herson 706QA 28 January, 6 February and 7 February 2017.

## PROTECTIVE MARKING

PC Gaskin 181QA on 28 January, 6 February and 7 February 2017 concerning incidents.

PC Mc Cluskey 617QA on 8 February 2017 concerning incident.

### Prevention of Public Nuisance

As you can see from the log regarding calls made to police, these incidents reported during the opening hours of the business will be having an impact on residents and families which live above the premises and dwellings also within the vicinity of Station Road. Residents have written to the authorities complaining about the excessive noise being emitted from the premises during the early hours and activities during the evening and problems associated with it.

The premise has a SIA door Supervisor on the premises between 2300 until premises closes on Friday and Saturdays. (This is a mandatory condition set within their Premises Licence). He clearly can't control the patrons either leaving or entering during the early hours.

I visited the premises with Mr Ash Waghela Harrow Licensing department on 10th March 2017 at approximately 2200 hours and spoke with the SIA door staff member [REDACTED]. I asked him what the problems were? He explained there is a problem with the door when it comes to closing time. He can't stop people entering as it has an infra-red sensor which automatically opens the door when it detects a person standing within the vicinity. There is no override system on the door where he has full control. There is only one entrance to the restaurant. The door entrance is set back from the building and out of view of Council CCTV. Internal cameras in the business don't cover the area behind the sliding door which is set back.

It is an important part of the premises licence holder to promote the licensing objectives. Which is to prevent of crime and disorder, public safety and prevention of public nuisance, it's my opinion this business falls short of achieving these licensing objectives which is an integral part of the premises licence. Staff is unable to deal with incidents and conflict due to staff being focused on delivering food orders, dealing with customers and a shortage of staff on premises.

Premises have been given warnings in the past and due to the poor management I fear there will be serious injury to either staff or public if this business is allowed to operate in this fashion.

I feel the only option is to ask for the Late Night Refreshment licence to be revoked until the business can demonstrate to the licensing authority it can meet all the four licensing objectives set.

**Please provide as much information as possible to support the application: (please read guidance note 3)**

**PROTECTIVE MARKING**

Have you made an application for review relating to this premises before?

(Please tick yes)

**PROTECTIVE MARKING**

**Day    Month    Year**

**If yes, please state the date of that application:**

**If you have made representations before relating to this premises please state what they were and when you made them:**

PROTECTIVE MARKING

Please tick Yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.

I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

**Part 3 – Signatures** (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature: \_\_\_\_\_ Date: 29/03/2017

Capacity: Police Officer

**Contact name** (where not previously given) **and postal address for correspondence associated with this application:** (please read guidance note 6)

Post town:

Post code:

Telephone Number (if any):

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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 Inspector Steven Wilson ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Officer 204827 .....

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:

[Redacted Signature]

Date:

27/3/17

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

On Tuesday 7<sup>th</sup> February I was the duty officer for Harrow BOCU between the hours of 2200 to 0700. I was aware of an incident in MCDONALDS at 25 STATON ROAD HA1 where the premises manager had requested the urgent attendance of police to deal with a male customer fighting with staff. A male was subsequently arrested for committing racially aggravated public order offences. The crew of QA13N had attended in the first instance to deal with the incident and I also attended a short time after their arrival. My reason for attendance, aside from this being a racial incident, was a complaint I had received from officers when on duty the previous night. PC GASKIN and PC HERSON had informed me that on a number of occasions hey had responded to requests for police from McDonald's staff to deal with violence on their premises and following arrests of suspects the staff had then refused to substantiate the allegation, provide a statement and support a prosecution. They had cited the last occasion as the previous night duty when they had dealt with alcohol related disorder on the premises and following arrest the manager had refused to provide a statement. On attendance I spoke to the officers of QA13, PC MCCLUSKEY and PC HUBERT who relayed that they had made an arrest but the staff were then refusing to provide a statement as evidence of the offence. At this point PC GASKIN and PC HERSON had also joined us to assist. I then entered MCDONALDS and identified the manager, an IC4 male I now know to be [Redacted]

[Redacted] I requested a discussion with him in private whereupon we went into an office. I then challenged his and his staff's recent behaviour as described above. The manager stated he feared for his own safety and the safety of his staff and did not want to be attacked upon finishing work and leaving the building. I stated this was not a valid argument as his premises was constantly under the view of local authority CCTV, he was able to call 999 in the event of an emergency and if police had already attended, arrested the suspect and taken them to be held in police custody, the threat was effectively removed. Moreover, if he had already called police to deal with crime and then refused to a provide a statement he was preventing the police from achieving an effective disposal for the offence and failing to deter repeat behaviour. I then informed the manager that by refusing to assist police officers in dealing with crime on their premises he was placing their licence at risk. The manager then replied he

Signature

[Redacted Signature]

Signature witnessed by: .....

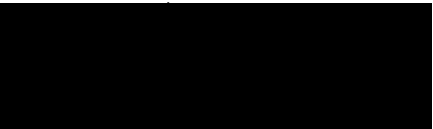


Continuation of Statement of **Inspector Steven Wilson** .....

was unconcerned about that and if it meant he was no longer required to work late hours then all the better for him. I then stated it was unacceptable for him and his staff to have a policy of not providing witness statements for incidents on their premises. I appealed for his co-operation in supporting officer's actions in response to their calls for police and stated his comments would be reported to the Borough licencing officer. The manager then stated he and his staff would provide statements for incidents that had occurred over the past 24 hours. I then left the premises and informed the officers on scene that statements would be provided.



Signature



Signature witnessed by: .....

WITNESS STATEMENT

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

URN

[Empty boxes for URN]

Statement of: PC Gaskin 181QA

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

This statement (consisting of 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: [Redacted] Date: 24/03/2017

This statement refer to three incidents that occurred at McDonalds 361 Station Road in Harrow town centre between 28th January to 7th February 2017.

On Saturday 28th January 2017 I was on duty in uniform driving a marked police vehicle call sign Q5 nights. I was in company with PC 706QA Herson. We received a call to attend McDonalds in relation to a fight at the location. On arrival PC 308QA Sambrook and PC 137QA Crowe had a male detained on the pavement outside the location. Myself and PC 706QA Herson went into the store to speak with staff and obtain details from potential witnesses. Whilst in store I spoke with the store manager [Redacted] and he began to show us some CCTV footage of the incident. There were two security guards on duty at McDonalds and it appeared that they were the main victims of this incident. It was a busy Saturday night and McDonalds was crowded. PC Sambrook took over from us in speaking with the manager as we had to leave to attend another call.

On Monday 6th February 2017 myself and PC 706QA Herson were again called to McDonalds by staff. The initial call stated that there was a male at the location attacking staff. The call was made at 00:30hrs. On arrival McDonalds was extremely busy. There were many people inside many of whom were drunk. There was no security present at the location. I spoke with a male who was the apparent suspect and had to physically walk him out of the store as he was screaming and shouting and causing a scene. I did not want the situation to get out of hand. When I got outside some more units arrived and I went back into the store to speak with the manager [Redacted]. He explained that the suspect had come into the store screaming and swearing at him and accusing him of being rude to his brother. He told me that the suspect said "I am going to [Redacted] you up" and threatened to wait for him after work. He also explained that the suspect had pushed the doughnut stand that was sat on the counter sending it flying and crashing to the floor. This caused the stand to crack. He has also hit a UV lamp sending it flying. The manager was asked to provide a statement in relation to the incident and we went into the office and discussed it with him. He seemed hesitant but told us that he would give us a statement. PC 706QA left to go and arrest the suspect and I stayed and obtained details and viewed the CCTV. During this time the manager told me that he no longer wanted to provide a statement about the incident. I explained the process to him again and asked about his concerns in relation to giving a statement. The manager stated that he did not want any repercussions and was scared to give one. I tried to reassure the male and explained the importance of giving the statement and that we had arrested the male because he said he

Witness Signature: [Redacted]

Signature Witnessed by Signature: .....

Continuation of Statement of:

was going to give us a statement. The manager point blank refused to give one. I explained to him that this was the second time police had been called to the location in a short space of time and that he cannot call police and then change his mind after they have arrested someone. McDonalds had no security staff and they only have security on Weekends, yet they still have a late licence with many drunk people coming into the restaurant as its one of the only food establishments open at that time. It clearly becomes very busy when the pubs close and there are no security to control it and staff members that call police and then refuse to support police action. Therefore the situation is not in control and it is a problem.

On Tuesday 7<sup>th</sup> February there was another call to McDonalds in relation to another fight at the location. On arrival PC 292QA Hubert and 617QA Mc Cluskey were already on scene. There was an aggressive customer at the location who had apparently thrown food behind the counter, at staff and was verbally abusive towards them. The manager [REDACTED] was again present at the location and once again had refused to provide police a statement about the incident. Again this was another incident where staff had called police because things have got out of hand with no security present and staff were no supporting police action. [REDACTED]

Witness Signature: [REDACTED] .....

Signature Witnessed by Signature: .....

**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 **PC HERSON 706QA**..... URN: 

<b>01</b>			<b>15</b>
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer p234158**.....


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: **24/03/2017**.....

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

I am the above named person and this statement relates to 3 separate incidents which have occurred at McDonald's, 361 station road, Harrow whereby police have been called to the location by members of staff.

On Saturday 28<sup>th</sup> January 2017 I was an operator in uniform in company of Pc Gaskin 181qa in a marked police car (Q5N) we were assigned to a call at McDonalds, which is located in the Town centre. The call was regarding a male causing a disturbance in the establishment and fighting with security. On police arrival my colleagues Pc Crowe 137qa and Pc Sambrook 308qa were on scene and had apprehended the male and were required to go and speak with staff. I spoke with the victim and took his details, he was one of two security staff who work at the McDonalds and who had been victim to an assault. I was aware he was on duty and requested to provide a statement after work due to the business of the restaurant and it being a Saturday night. My colleague spoke with the manager, we were also shown CCTV of the event which took place and able to liaise with our colleagues regarding what had occurred.

On Monday 6<sup>th</sup> February 2017 I had started my tour of duty at 2200 hours. I was on duty with Pc Gaskin 181qa in a marked police car and were called to McDonalds by staff at the restaurant at 0027 hours. They alleged there was a male attacking the manager at the store. Upon police arrival there was a male who was shouting at staff, he was verbally aggressive and very volatile. He smelt of alcohol. His friends who were trying to restrain him were also what I would describe as drunk due to the mannerisms, their slurred speech and behaviour. He continued to shout at the staff from behind the counter, he was directing all his verbal abuse at one particular member of staff. I was aware this was the manager of the Restaurant,  The restaurant itself was busy with many customers within the store, milling around or eating their food. There

Signature:  ..... Signature witnessed by: .....

Continuation of Statement of **PC HERSON 706QA**.....

was a visible disturbance within the store, the doughnut stand being knocked off and sprawled out on the floor the cooking side. The male was taken outside by my colleague whilst I spoke with staff and specifically the manager. He was standing around, I asked what had happened and asked if the stand was broken, and it was picked up off the floor and placed back together. I asked if he wanted to pursue the incident and he was very weary and stated he was unsure. I requested to see the CCTV, he took me into a small room to the side of the serving area and watched CCTV. The Manager relayed the events and the CCTV was requested, he stated he would provide a statement with regards to the events and at this point I arrested the male for the incident which occurred. Upon liaising with my colleague a short while later I was told that the manager was reluctant and refused to provide a statement and help police with the incident, asked why he had stated to my colleague that he was scared due to the repercussions of the incident.

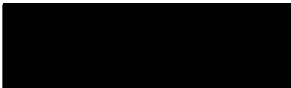
On this occasion I noticed there was no security staff on the door however the restaurant was just as busy as the previous event on the Saturday night we had attended. However the members of the public where clearly drunk and rowdy and the restaurant was volatile to disorder. The restaurant is open till the early hours of the morning.

The following night on Tuesday 7<sup>th</sup> February 2017 I was on duty with Pc Gaskin 181qa and we were again called to McDonald's in the evening. There was a disturbance at the location. Again police had been called and the manager was present. The manager had stated that he didn't and wasn't going to call police but then he did. There was no security present and the male detained and subsequently arrested by police was intoxicated and drunk. I had spoken to members of staff who refuse to provide statements due to the repercussions.

The manager was also there and I spoke with him, and asked about the security. The security staff are only employed at the weekends at peak hours and the restaurant have stopped with security during the week and in the early hours of the morning.

There were numerous calls within a short period time to the location, there was no security during the weeks and the staff were refusing to help or assist police.



Signature:  Signature witnessed by: .....

### WITNESS STATEMENT

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

URN

Statement of: SEAN McCLUSKEY

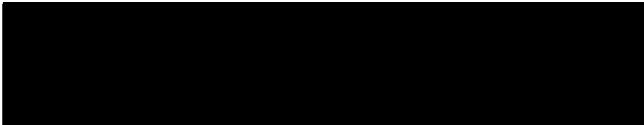
Age if under 18: *(if over 18 insert 'over 18')* Occupation: POLICE OFFICER

This statement (consisting of \_\_\_\_\_ 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: .....  ..... Date: 24<sup>TH</sup> MARCH 2017

On WEDNESDAY 8<sup>th</sup> FEBRUARY 2017 I was on duty in uniform as the operator in a marked police vehicle call sign QA13N in plain clothes I the company of PC292QA HUBERT the driver of the vehicle who was also in plain clothes. At about 0030 we attended McDONALDS 35 STATION ROAD HARROW to reports of an abusive male inside the venue racially abusing staff. CAD 177/8FEB17 refers.

As a result of that call a male was arrested for a racial public order offence against the staff as it was overheard by the customers as well. At first the staff at the venue were reluctant to give police a statement about what had happened and just wanted the male to leave. The venue has security but they had failed to eject the male and had called police. Several units had turned up to deal with him and QA1 Mr WILSON arrived as it was a racial incident. When he was informed of the lack of cooperation from the staff at the venue he went and spoke to the duty manager and requested their assistance in providing statements. It was only then that the staff came forward and provided statements to assist in the prosecution.

Witness Signature: .....  .....

Signature Witnessed by Signature:.....