

Licensing Panel AGENDA

Reconvened from 4 May 2017

DATE: Monday 19 June 2017

TIME: 7.30 pm *

VENUE: Committee Room 5, Harrow Civic Centre, Station Road, Harrow, HA1 2XY

* THERE WILL BE A BRIEFING FOR MEMBERS AT 7.00 PM IN COMMITTEE ROOM 5.

MEMBERSHIP (Quorum 3)

Chair: (To be appointed)

Councillors:

Mrs Chika Amadi
Kairul Kareema Marikar

Ramji Chauhan

Reserve Members:

Note: There are no Reserve Members currently appointed to this Panel.

Contact: Miriam Wearing, Senior Democratic Services Officer
Tel: 020 8424 1546 E-mail: miriam.wearing@harrow.gov.uk

Useful Information

Meeting details:

This meeting is open to the press and public.

Directions to the Civic Centre can be found at:
<http://www.harrow.gov.uk/site/scripts/location.php>.

Filming / recording of meetings

The Council will audio record Public and Councillor Questions. The audio recording will be placed on the Council's website.

Please note that proceedings at this meeting may be photographed, recorded or filmed. If you choose to attend, you will be deemed to have consented to being photographed, recorded and/or filmed.

When present in the meeting room, silent mode should be enabled for all mobile devices.

Meeting access / special requirements.

The Civic Centre is accessible to people with special needs. There are accessible toilets and lifts to meeting rooms. If you have special requirements, please contact the officer listed on the front page of this agenda.

An induction loop system for people with hearing difficulties is available. Please ask at the Security Desk on the Middlesex Floor.

Agenda publication date: Friday 9 June 2017

AGENDA - PART I

1. APPOINTMENT OF CHAIR

To appoint a Chair for the purposes of this meeting.

2. DECLARATIONS OF INTEREST

To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Panel;
- (b) all other Members present.

3. MINUTES

[Note: Licensing Panel minutes are:-

- (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chair for that meeting;
- (2) not submitted to the next panel meeting for approval.

Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chair and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].

4. LICENSING PROCEDURES (Pages 5 - 6)

Procedure to be followed at an oral hearing.

5. APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR MCDONALDS RESTAURANT, 361 STATION ROAD, HARROW, MIDDLESEX HA1 2AW (Pages 7 - 48)

Report of the Corporate Director Community

6. ANY OTHER URGENT BUSINESS

Which cannot otherwise be dealt with.

AGENDA - PART II - NIL

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Licensing Panel – Licensing Act 2003

Procedure For A Review Hearing - Oral Hearing in Public

*This document provides a summary of the Panel's procedure for the conduct of this oral hearing in public. This procedure is followed during a **REVIEW** procedure.*

*Please note that the **Applicant** is the party who has requested the Hearing*

- i. **Introductions** by the Chair of the Panel:
 - Members
 - Officers and Officers of Responsible Authorities
 - Applicants and Objector(s)
 - the Procedure for the hearing
- ii. **Presentation** of the report (**agenda item 6**) by Officers of the Relevant Authority.
- iii. **Introduction** by the **objector(s)** of their statement. Additional material may be submitted with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.
- iv. **Questioning** of the **objector(s)** by:
 - the applicant
 - the Panel
- v. **Presentation** by the **applicant**, or their representative, of their statements. Additional material may be submitted with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.
- vi. **Questioning** of the **applicant** by:
 - the objector
 - the Panel
- vii. **Concluding statement** by the applicant.
- viii. **Concluding statement** by objector(s).
- ix. The Panel together with its legal advisor and committee clerk withdraw to consider of the application. Should the Panel wish to clarify any point with any particular party, all sides are recalled for the questions to be asked.
- x. The hearing is reconvened for the Panel to announce their decision.

Agenda Item 5

Should the application be refused or conditions be placed on the licence the Panel must give reasons for this action.

NOTES

WITNESSES: *Either side may call witnesses to support their case. Witnesses should have submitted written statements before the hearing which they present and on which they may be questioned. Witnesses introduced at short notice may speak with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.*

ADJOURNMENT: *The Panel may at any time adjourn to a later date for the further consideration of an application. The date and time should be agreed with all parties as far as possible.*

REPORT FOR: LICENSING PANEL

Date:	19 June 2017 (reconvened from 4 May 2017)
Subject:	Application for review of the premises licence for McDonalds Restaurant, 361 Station Road, Harrow, Middlesex HA1 2AW
Responsible Officer:	Tom McCourt - Corporate Director – Community Directorate
Exempt:	No
Enclosures:	Application for review (appendix 1) Police statements (appendices 1a – 1d) Image and location map (appendix 2 and 2a) Current premises licence and plan (appendix 3) Licence review guidelines (appendix 4) Representations (appendix 5) Summary of proposed licence

Section 1 – Summary

An application has been received from the Metropolitan Police Service to review the premises licence for McDonalds Restaurant, 361 Station Road, Harrow HA1 2AW, on the grounds of the prevention of crime and disorder, public safety, and prevention of public nuisance.

Representations received

From	Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority (Pollution and environmental enforcement)	No representations
Trading Standards	No representations
Area Child Protection Service	No representations received
London Fire Brigade	No representations received
Metropolitan Police	Application made
Licensing authority	No representations made

Representations from other persons

A representation in support of the premises licence holder from Harrow Business Improvement District has been received (appendix 5).

Section 2 – Report

- 2.1 An application has been received on behalf of the Metropolitan Police Service to review the premises licence of McDonalds Restaurant, 361 Station Road, Harrow, Middlesex HA1 2AW on the grounds of preventing crime and disorder, public nuisance and protecting public safety (appendices 1 and 1a - d).
- 2.2 The application was originally opened to comply with the regulations under the Licensing Act 2003 on 4 June 2017. It was immediately adjourned with the agreement of the police, the premises licence holder and the Licensing Panel to allow time for measures agreed between the premises licence holder and the police to be assessed. As a result of that exercise, agreement has been reached between the police and the premises licence holder for licence conditions to be amended or added, subject to the Panel's discretion to exercise its powers set out below.
- 2.3 Description of premises
These premises are a fast food restaurant and take-away situated on ground and first floor levels within Harrow town centre. An image of the premises and a location map are provided at appendix 2.
- 2.4 The premises are only licensed for the provision of late night refreshment as below:

Sunday Monday Tuesday Wednesday Thursday	From 2300 hours to 0100 hours the next day
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Friday	From 2300 hours until 0300 hours the next day
Saturday	

- 2.5 The premises may remain open to the public for a further 15 minutes each day (see appendix 3).
- 2.6 Licensing history
A premises licence was first granted on 14/09/2005. The premises licence was granted to the current holder on 12/11/2014.
- 2.7 Details of the application
Received: 29/03/2017
Application advertised: 30/03/2017 – 26/04/2017
- 2.8 Representations
None
- 2.9 Statutory guidance
The following passages and paragraphs of the statutory guidance issued by the Secretary of State in March 2015 are relevant to this application.
- 2.10 Paragraph 11.10 of the guidance refers to good practise for responsible authorities to engage with premises to resolve concerns at an early stage without the need for formal action such as a review.
- 2.11 The Panel's attention is also drawn to paragraph 11.20 which refers to the need for licensing authorities to ensure remedial action should be addressed to the causes identified in the application or representations, and that decisions must be appropriate and proportionate to those concerns.
- 2.12 Licensing policy
The Panel will bear in mind appendix 1 to the statement of licensing policy, attached to this report at appendix 4. The Panel has discretion to depart from the guidelines, which are designed with consistency and transparency of decision-making in mind.
- 2.13 Legal implications
The Panel will be aware that the review application may only concentrate on issues arising during the licensable hours, that is from 2300 hours until the closing time for each day.
- 2.14 The Licensing Authority is required to hold a hearing to consider the review application and any relevant representations made. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.15 The Licensing Panel is required to give appropriate weight to the review application, representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the Licensing Act 2003, the Council's statement of licensing policy and the steps (if any) that are appropriate to promote the four licensing objectives.
- 2.16 Modification to licence
Agreement has been reached between the police and licence-holder for the licence to

be modified as set out below, subject to the Panel's discretion to exercise its' powers as set out in paragraph 2.18:

- (a) existing condition 3 at annex 2 to be amended from 4 staff to 6 staff
- (b) existing condition 3 at annex 3 to be amended from 1 SIA supervisor to 2 SIA supervisors
- (c) the premises licence holder shall ensure that staff and the SIA door supervisors have a radio linked to the Town Centre CCTV Control (whilst the Town Centre Partnership operates such a scheme)
- (d) food and drink shall only be sold after 02.30 hours on Saturday and Sunday mornings for consumption off the premises (takeaway only)
- (e) there shall be no entry to the premises after 0245 hours on Saturday and Sunday mornings.

2.17 Officers are of the opinion the proposed conditions are reasonable, proportionate, capable of being enforced and can be considered necessary for the promotion of the licensing objectives. A summary of the licence if adopted by the Panel is set out at appendix 6, notwithstanding its' powers as set out below.

2.18 Having considered those relevant matters, the Licensing Panel can take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

1. to modify the conditions of the licence;
2. to exclude any of the licensable activities from the scope of the licence;
3. to remove the designated premises supervisor;
4. to suspend the licence for a period not exceeding 3 months;
5. to revoke the licence

and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition added.

2.19 If the Panel takes a step mentioned in 1 or 2 of paragraph 2.13 above, it can specify that the modification or exclusion is to have effect for a period up to three months if it considers this to be appropriate.

2.20 It should be noted that –

- clear reasons must be given for the decision;
- any additional or modified conditions should be practical and enforceable;
- the applicant for the review, the premises licence holder and any person who made relevant representations would have the right of appeal to a magistrates' court on one of the grounds provided in schedule 5 to the Licensing Act 2003.

2.21 In addition to determining the application in accordance with the legislation, Members must have regard to the –

- common law rules of natural justice (i.e. ensuring a fair and unbiased hearing etc);
- provisions of the Human Rights Act 1998;
- considerations in section 17 of the Crime and Disorder Act 1998.

2.22 The Panel must also act appropriately with regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms implemented under the Human Rights Act 1998, particularly articles 6 (relating to the right to a fair trial); article 8 (protection of private and family life); and article 1 of the First Protocol (protection of property).

2.23 The Panel, when exercising its powers, must consider section 17 of the Crime and Disorder Act 1998 which states:

‘without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.’

Financial Implications

2.24 There are no financial implications.

Appeals

2.25 If any party is aggrieved with the decision of the licensing panel on one of the grounds set out in schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates’ Court within 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Jessie Mann	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 25.05.17		
Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 25.05.17		

Section 4 - Contact Details and Background Papers

Contact: Jeffrey Leib, Principal Licensing Officer extension 7667

Background Papers: Statutory Guidance



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 |
| 1 an individual, body or business which is not a responsible authority
(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 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 Mrs Miss Ms Any other title (e.g. Rev.)

Surname: _____ First Names: _____

I am 18 years old or over

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): 07825 272536

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.

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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 Mr Silamparasan SORNESWA in the office regarding the lack of support from staff on police attendance. Mr SORNESWA 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. Mr SORNESWA 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 Mr Akinsola Fasuba, 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

[Empty rectangular area for 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.

Retention Period: 7 years
MP 321/12

WITNESS STATEMENT

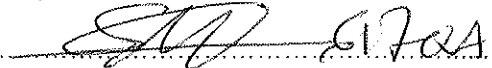
Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: SEAN McCLUSKEY

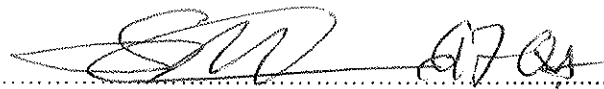
Age if under 18: *(if over 18 insert 'over 18')* Occupation: POLICE OFFICER

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: 24TH MARCH 2017

On WEDNESDAY 8th 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:

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:

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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: Inspector Steven Wilson Date: 27/3/17

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

On Tuesday 7th 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 STATION 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 they 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, a IC4 male I now know to be Mr [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 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: Inspector Steven Wilson 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.

Inspector Steven Wilson

Signature: *Inspector Steven Wilson* 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: 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: Date: 24/03/2017

This statement refer to three incidents that occurred at McDonalds 361 Station 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 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 Mr 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 fuck 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:

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 7th 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 Mr [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]

[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:

01			15
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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: *[Handwritten 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 28th 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 6th 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, Mr [REDACTED] also known as [REDACTED]. The restaurant itself was busy with many customers within the store, milling around or eating their food. There

Signature: *[Handwritten 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 7th 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.

[Handwritten signature]

[Redacted signature area]

Signature: *[Handwritten signature]* Signature witnessed by:

APPENDIX 2 – IMAGE OF PREMISES

29

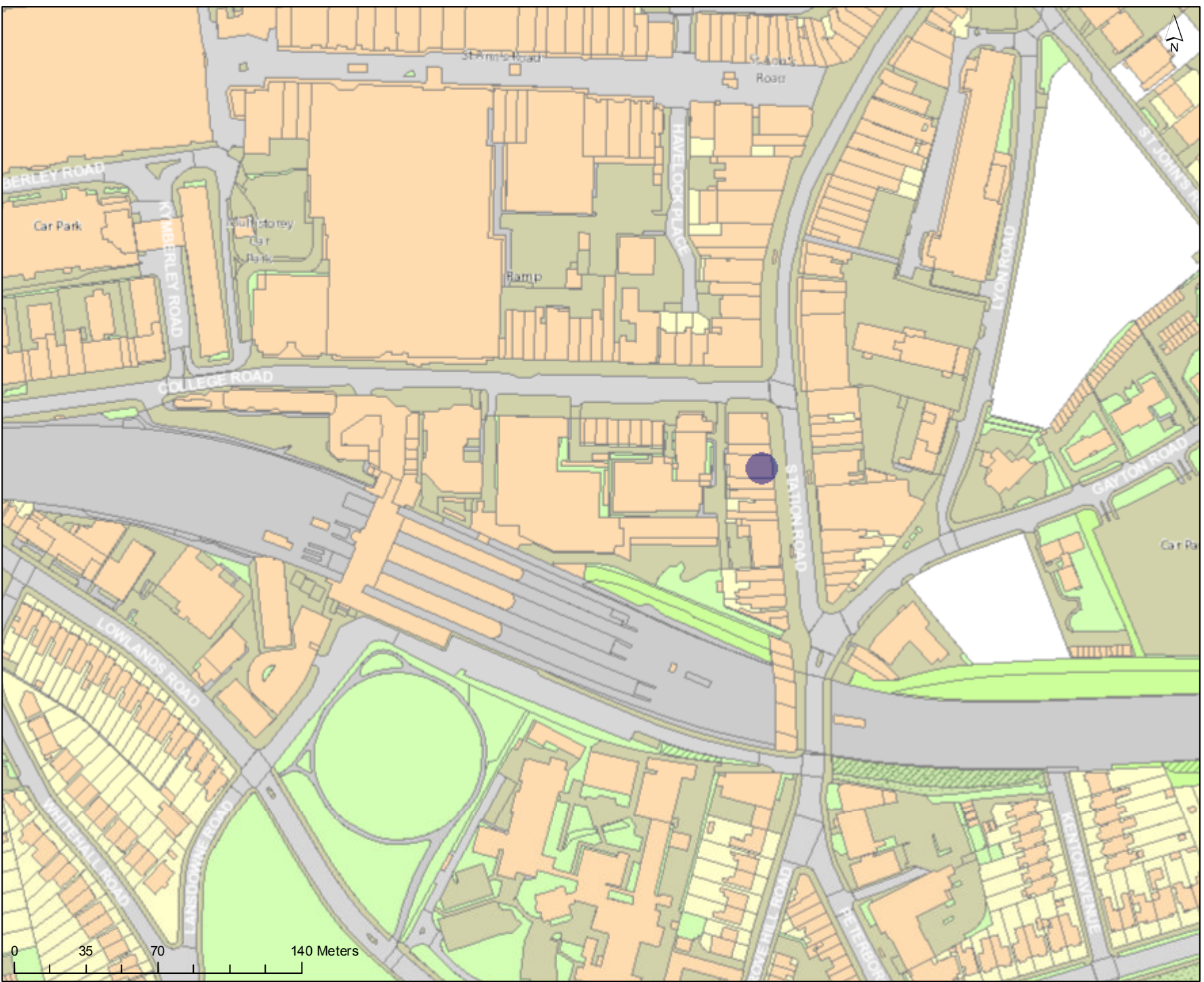


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Appendix 2 location map - MacDonalds, 361 Station Road

Legend
● Override 1

31



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LICENSING ACT 2003

Premises Licence

Schedule 12
Part A (Regulation 33,34)
HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

Premises Licence Number: LN/000007813/2015/2

Part 1 – Premises details

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

McDonald's, 361-363 Station Road, Harrow, Middlesex, HA1 2AW

Telephone Number: 02088610741

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Late night refreshment

Signed by Richard LeBrun
Environmental Services Manager (Public Protection)



**Licensable Area
Hours open to public**

Sunday	00:00 - 03:15	06:30 - 23:59
Monday	00:00 - 01:15	06:30 - 23:59
Tuesday	00:00 - 01:15	06:30 - 23:59
Wednesday	00:00 - 01:15	06:30 - 23:59
Thursday	00:00 - 01:15	06:30 - 23:59
Friday	00:00 - 01:15	06:30 - 23:59
Saturday	00:00 - 03:15	06:30 - 23:59

The times the licence authorises the carrying out of licensable activities

Location: Licensable area

Late night refreshment

Sunday	00:00 - 03:00	23:00 - 23:59
Monday	00:00 - 01:00	23:00 - 23:59
Tuesday	00:00 - 01:00	23:00 - 23:59
Wednesday	00:00 - 01:00	23:00 - 23:59
Thursday	00:00 - 01:00	23:00 - 23:59
Friday	00:00 - 01:00	23:00 - 23:59
Saturday	00:00 - 03:00	23:00 - 23:59

Where the licence authorises supplies of alcohol – whether these are on and/or off supplies

No alcohol sales

Part 2

Name, (registered) address, telephone number and email (where relevant of holder of premises licence):

K & G Restaurants Ltd
1 Archgate Business Centre
823-825 High Road
London
N12 8UB

Telephone: 020 8958 4617
Email: Kurt.jansen@uk.mcd.com

Registered number of holder, for example company number, charity number (where applicable):

03900766

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol: **N/A**

Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol: **N/A**

State whether access to the premises by children is restricted or prohibited: **N/A**

Annex 1 – Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol:

- 1 No supply of alcohol may be made under the premises licence -
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply or sale of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition where licence requires door supervision:

Where one or more individuals are required to be at the premises to carry out a security activity, such individual(s) must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory Condition order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory conditions where licence authorises exhibition of films:

(1) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the British Board of Film Classification, except where condition 2 applies.

(2) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the relevant licensing authority regarding the film in question

Annex 2 - Conditions consistent with the operating Schedule

1. Notices will be placed on the premises notifying customers that CCTV is in operation at the premises.

2. A centrally monitored alarm system which will incorporate panic buttons will be in operation. The alarm system will be compliant with NSI and SSAIB guidelines.

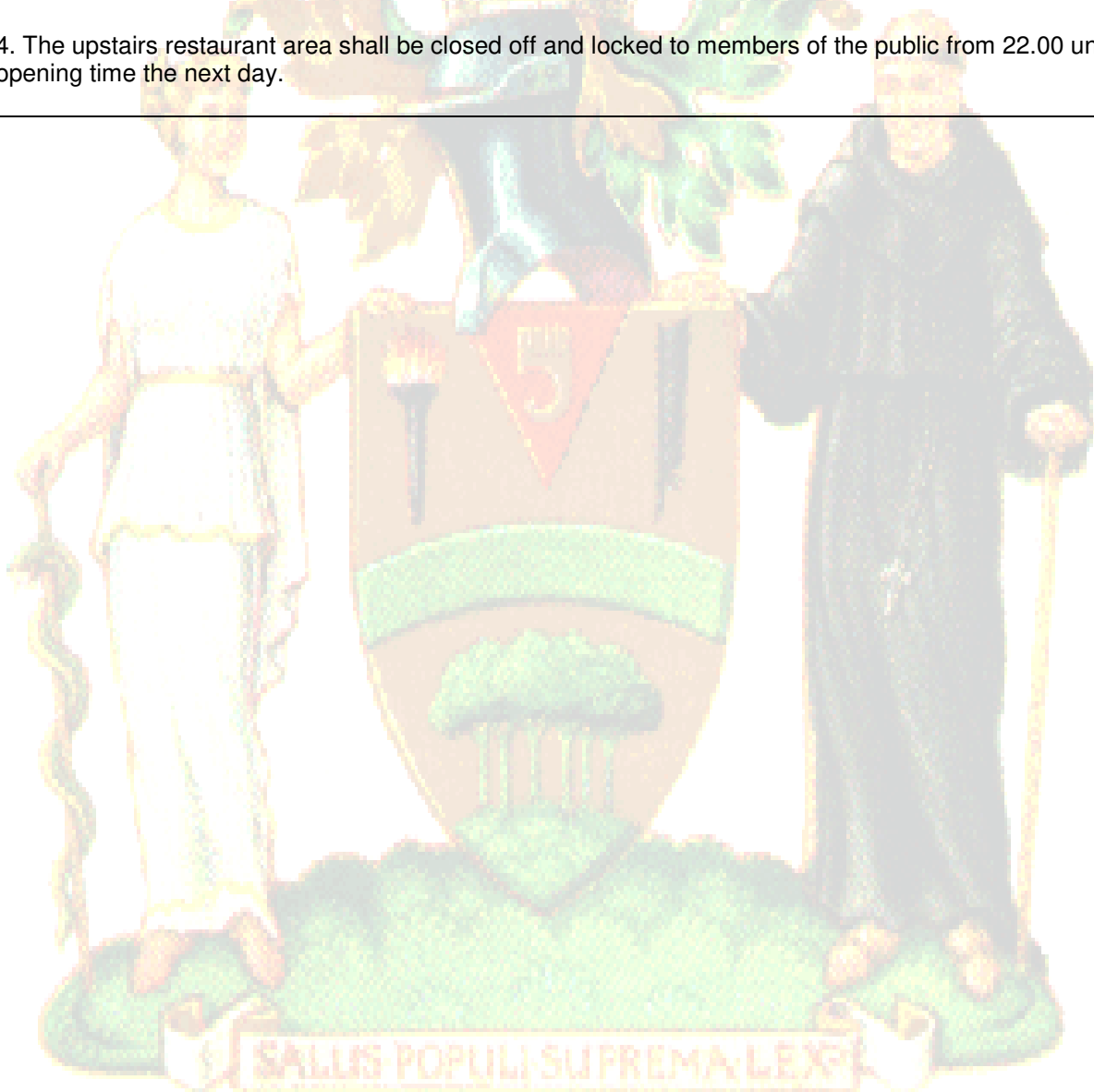
3. A minimum of 4 staff including a manager shall be employed during the times which licensable activities are taking place.

4. Prominent, clear and legible notices will be displayed at the entrance/exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

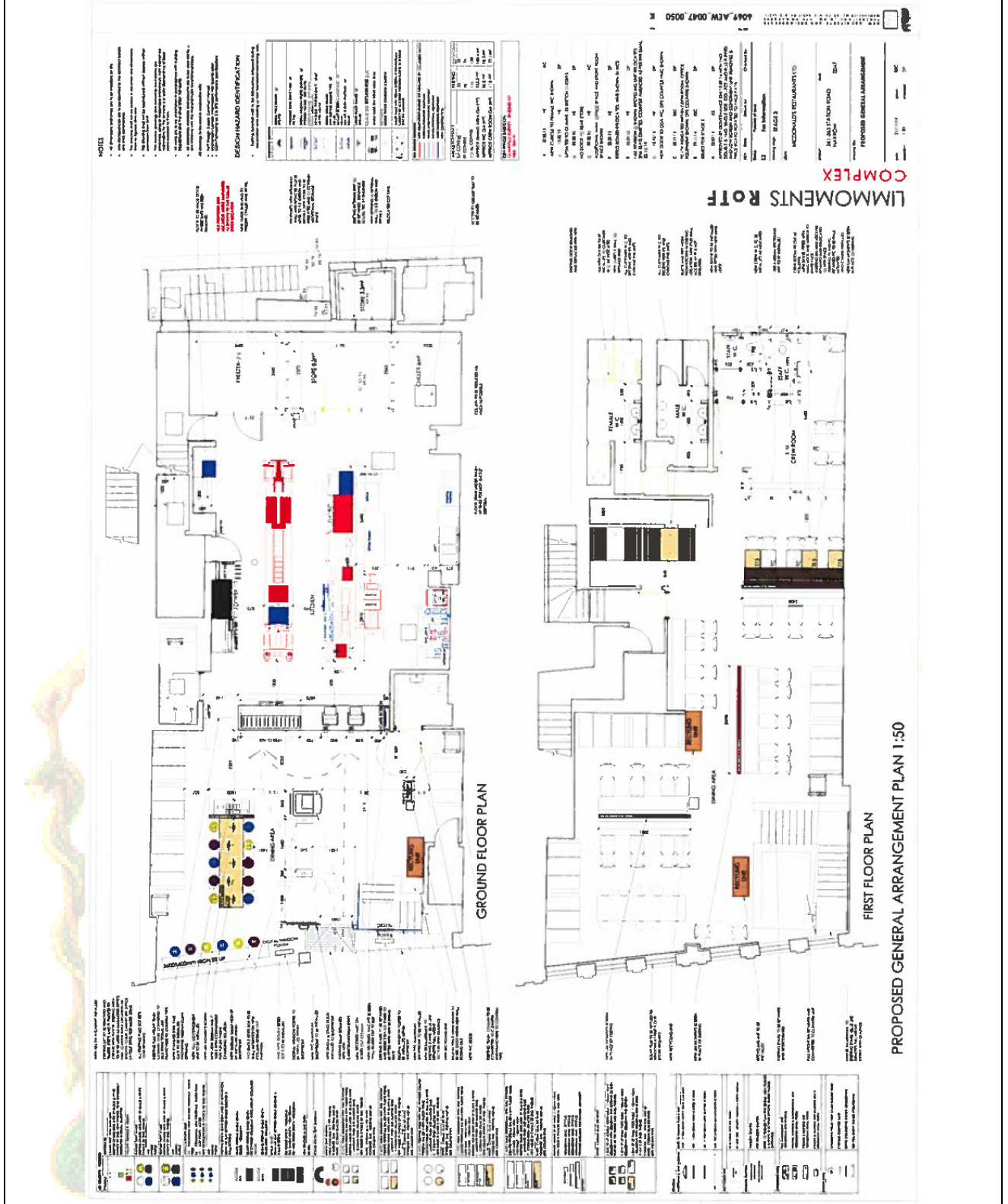
5. Prominent, clear and legible notices will be displayed at the entrance/exit requesting the public to dispose of their litter in a proper manner.
6. Litter will be cleared from the front of the premises between the pavement and the kerb line.
7. No children's parties to be held whilst licensable activities are taking place.

Annex 3 - Conditions attached after a hearing by the licensing authority.

1. The premises will maintain a CCTV system in operation.
2. Recordings shall be held for a minimum of 31 days and copies made available to the Police and Licensing officers expeditiously on request.
3. On Fridays and Saturdays from 23.00 until the premises closes, there shall be employed at least 1 SIA officer.
4. The upstairs restaurant area shall be closed off and locked to members of the public from 22.00 until opening time the next day.



Annex 4 – Plan



Date of original grant: 12/11/2014	Reason for issue: Minor Variation
Date of issue: 27th May 2015	Issue Number: 2

APPENDIX 4

Licence review guidelines

	Aggravating factors	Mitigating factors
Prevention of crime and disorder	<ul style="list-style-type: none"> • Failure to heed police or licensing authority advice • Encouraging or inciting criminal behaviour associated with licensed premises • Serious injury results from poor management • Previous track record • Deliberate or direct involvement in criminality 	<ul style="list-style-type: none"> • Minor breach of condition not justifying a prosecution • Confidence in management ability to rectify defects • Previous track record • Voluntary proposal/acceptance of additional conditions
Prevention of public nuisance	<ul style="list-style-type: none"> • Noise late at night in breach of condition or statutory abatement notice • Previous warnings ignored • Long and prolonged disturbances • Excessive noise during unsocial hours (relating to locality and activity concerned) 	<ul style="list-style-type: none"> • Noise limiting device installed • Licence-holder apologised to those disturbed by nuisance • Hotline complaints telephone available • Undertaking/commitment not to repeat activity leading to disturbance • Willingness to attend mediation • Voluntary proposal/acceptance of additional conditions
Public safety	<ul style="list-style-type: none"> • Death or serious injury occurred • Substantial risk in view of a responsible authority to public safety involved • Previous warnings ignored • Review arose out of wilful/deliberate disregard of licence conditions 	<ul style="list-style-type: none"> • Minor or technical breach of licence condition • Confidence in management to rectify defects • Confidence in management to avoid repetition of incident • Voluntary acceptance/proposal of additional condition
Protection of children from harm	<ul style="list-style-type: none"> • Age of children • Previous warnings ignored • Children exposed to physical harm/danger as opposed to other threats • Activity arose during normal school hours • Deliberate or wilful exploitation of children • Large number of children affected/involved • Children not allowed on premises as part of operating schedule/conditions 	<ul style="list-style-type: none"> • Conduct occurred with lawful consent of persons with parental responsibility for child • Short duration of event • No physical harm • Short-term disturbance • Undertaking/commitment not to repeat activity • Children permitted on the premises as part of operating schedule • Not involving under-age exposure to alcohol

	Aggravating factors	Mitigating factors
Application for review after other enforcement action taken by responsible authorities	<ul style="list-style-type: none"> • Penalty imposed by court • Previous warnings ignored • Previous review hearing held resulting in any corrective action • Premises licence holder previously convicted or cautioned for same or similar offences/contraventions • Offences over prolonged period of time • Offences resulted in significant danger or nuisance • Offences as a result of deliberate actions or reckless disregard for licensing requirements • Offence likely to be repeated 	<ul style="list-style-type: none"> • Compensation paid by offender or agreement towards mediation • Voluntary acceptance/proposal of additional conditions • Offence disposed of by way of simple caution or fixed penalty notice • First offence or warning • First review hearing • Single offence/breach • No danger to the public or nuisance • Offences merely administrative in nature • Offence unlikely to be repeated
Range of likely responses available to the Licensing Panel	<ul style="list-style-type: none"> • To take no action • To issue a written warning • To remove the designated premises supervisor (or require a designated premises supervisor in community premises without one) • Modify the conditions of a premises licence or club premises certificate, including adding new conditions or deleting old conditions • To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate • To suspend the licence for a period not exceeding three months • To revoke the premises licence or withdraw the club premises certificate 	

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Head of Community Directorate
London Borough of Harrow
Civic Centre
PO Box 18, Station Road
Harrow HA1 2UT

24th April 2017

Dear Sir / Madam

Re: Licence Review for McDonalds at 361-363 Station Road, Harrow

I write to you in my position of Operations Manager for the Harrow Business Improvement District, an organisation which represents over 200 businesses in the Harrow town centre BID area. Below I provide comments on the application for the review of the premises licence.

McDonalds has been in the town centre for many years now going back to the 1980s. It is a well-known restaurant and has always done well as it is popular with a varied customer base. Both the BID and McDonalds work well together with McDonalds taking part in our Harrow Business Against Crime (HBAC) partnership and the franchisee sitting on the Harrow BID Board of directors.

Harrow town centre has in the last year seen an increase in problems relating to theft, begging, pickpockets, ASB and gang crime. This has affected many business in the town with youth and gangs, in particular, hanging around on the streets and causing a nuisance which becomes intimidating to regular users of the town. This has been prevalent on Station Road and College Road from the Bus Station to the top of Station Road by McDonalds. The town centre is close to two high schools and the local college as well as transport links that serve the centre 24 hours a day, providing quick access to and from surrounding boroughs and the centre of London.

McDonalds in the past had little or no trouble and the trouble has only escalated in the last year as the crime has escalated. The cuts to the police have not helped with this.

The application for the Licence Review cites 71 calls made over the nine-month period to 06/03/2017 of which 28 were subsequently recorded as crime. We can see that high levels of calls places a strain on scarce police resources. However, McDonalds, as with other pubs, restaurants and well-known shops in the town, is also a landmark and we are aware that people will call in incidents and crimes and will give McDonalds as the location of the incident even though this may not be the exact focus of the incident. We believe this has happened to the McDonalds premises and others through the public's mental short cut in

Debenhams Management Offices
275 Station Road
Harrow HA1 1NA
T 020 8863 9933
E info@ha1bid.co.uk
W ha1bid.co.uk

trying to describe a location. If incidents are not carefully analysed there is a danger they may be recorded incorrectly, with the origin of incidents wrongly attributed to the premises.

Back in April 2016 the BID and Harrow Council worked together with McDonalds and a youth worker was present once a week in their Station Road premises to try and engage with the youth that were hanging around. It was hoped that we might be able to take this forward and put on some activities that would help with the council aspirations for youth engagement. This went on for a number of weeks. Observations arising from this were that staff were asking people to leave if they were not buying anything and groups of youths entering McDonalds becoming louder and louder which became intimidating to other customers and staff. The youth were often very rude and had little or no respect for anyone and would often use threatening behavior. This was also observed out in the street and in other shops.

After the premises were issued with a CPN it was felt we should no longer continue with our attempt to engage as we did not want to encourage trouble. At this point, however, there seemed to be little or no trouble in the evenings.

Our viewing of the licence that has been issued to McDonalds shows conditions stating: "On Fridays and Saturdays from 23:00 until the premises closes, there shall be employed at least 1 SIA officer."

In fact the company have been employing SIA accredited staff, starting at 22:00 until the premise is closed. They have therefore been exceeding the requirement of the condition. This seems to have been overlooked in the review. Since the review has been put in place they have changed to two SIA licenced doormen and they also have an additional Townlink radio that is connected to CCTV. This now gives them two Townlink radios for the weekends. They have also reviewed their closing procedures and the last order is now accepted at 02:45 so they can close their doors before 03:00.

McDonalds have installed more CCTV since the licence review was put in place and this now fully covers their entrance. They have also upgraded the CCTV so it is shown in real time so it is visible to customers and staff in the back office. All senior staff are trained to download CCTV should the police require it and they hold a stock of USB sticks so this can be done straight away.

Our HBAC partnership has also worked with them on radio training and McDonalds will now call into CCTV at the first sign of any trouble and this includes if they notice groups of young people hanging around outside that could cause an issue elsewhere. We believe this demonstrates they are proactive and ready to play a part in the wider community. Similarly, the manager at Station Road recently found a knife hidden at the back of their premises by

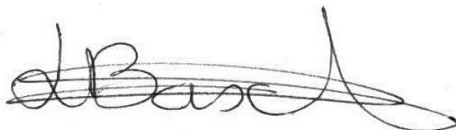
the bins. They immediately called it in and the police came and collected it. It is a pity that this good work has not been acknowledged in the report.

I have worked with both McDonalds staff and local council officers and the BID are disappointed to see that this licensing review has been initiated at this stage. It is felt that some of the issues that have been raised are not all McDonalds fault and that customers are also not willing to make statements when the police arrive. There is no evidence in the review report to show how many customers do not make statements and this report only highlights incidents where staff did not make statements. We understand that staff can be reluctant to make statements for fear of repercussions. No matter how hard any business tries you can never guarantee that problematic individuals will not come back.

Once police have been summoned to a licenced premise then we also view any reluctance to provide statements as problematic and cannot condone this where it has happened. It would appear that McDonalds staff now understand their duties in this respect.

The restaurant management team are prepared to give an undertaking that they will close their premises on any occasion that they cannot provide SIA door staff, and that these door staff will control access to the premises to limit numbers, prevent overcrowding and to refuse customers who are drunk or known to be banned.

It is our understanding that McDonalds are willing to work with everyone and have put procedures in place over and above their licence conditions. We would ask that the review is adjourned for a period of time to give the new procedures in place time to settle in. We will continue to work and support McDonalds along with other agencies to help reduce the issues.



Louise Baxter
Operations Manager

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APPENDIX 6

Summary of times and proposed conditions for premises licence:

McDonalds Restaurant, 361 Station Road, Harrow, Middlesex HA1 2AW

Existing licensable activities and hours:

Day	Hours open to public	Late night refreshment licence
Monday	06:30 – 01:15 next day	23:00 – 01:00 next day
Tuesday	06:30 – 01:15 next day	23:00 – 01:00 next day
Wednesday	06:30 – 01:15 next day	23:00 – 01:00 next day
Thursday	06:30 – 01:15 next day	23:00 – 01:00 next day
Friday	06:30 – 03:15 next day	23:00 – 03:00 next day
Saturday	06:30 – 03:15 next day	23:00 – 03:00 next day
Sunday	06:30 – 01:15 next day	23:00 – 01:00 next day

Summary of applicable mandatory conditions:

- (1) Requirement for any door supervisors to be licensed by the Security Industry Authority

Existing conditions:

Annex 2 – conditions consistent with Operating Schedule

1. Notices will be placed on the premises notifying customers that CCTV is in operation at the premises.
2. A centrally monitored alarm system which will incorporate panic buttons will be in operation. The alarm system will be compliant with NSI and SSAIB guidelines.
3. A minimum of four staff including a manager shall be employed during the times which licensable activities are taking place.
[Proposed amendment to a minimum of six staff]
4. Prominent, clear and legible notices will be displayed at the entrance/exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
5. Prominent, clear and legible notices will be displayed at the entrance/exit requesting the public to dispose of their litter in a proper manner.
6. Litter will be cleared from the front of the premises between the pavement and the kerb line.
7. No children's parties to be held whilst licensable activities are taking place.

Annex 3 - Conditions attached after a hearing by the licensing authority.

1. The premises will maintain a CCTV system in operation.
2. Recordings shall be held for a minimum of 31 days and copies made available to the Police and Licensing officers expeditiously on request.

3. On Fridays and Saturdays from 23.00 until the premises closes, there shall be employed at least one SIA officer.

[Proposed amendment to at least two SIA door supervisors]

4. The upstairs restaurant area shall be closed off and locked to members of the public from 22.00 until opening time the next day.

Additional draft conditions agreed between the police and premises-licence holder:

5. The premises licence holder shall ensure that staff and the SIA door supervisors have a radio linked to the Town Centre CCTV Control (whilst the Town Centre Partnership operates such a scheme)

6. Food and drink shall only be sold after 02.30 hours on Saturday and Sunday mornings for consumption off the premises (takeaway only)

7. There shall be no entry to the premises after 02.45 hours on Saturday and Sunday mornings.