

ANNEX B

The Metropolitan Police Service Harrow
South Harrow Police Station
74, Northolt Road
South Harrow
HA2 ODN



CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

JD Lounge, 25 Broadwalk, Pinner Road, Harrow, Middlesex, HA2 6ED

Premises licence number (if known): LN/000000749/2010/5

Name of premises supervisor (if known): Mr Frankie Romaine

I am a Superintendent of Harrow Borough Police³ in the Metropolitan police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

Serious crime has taken place at these premises namely incidents of disorder and a serious assault whilst licence conditions have been ignored and Licensing Objectives undermined.

The current Premises Licence holder is Ms Elaine Dunning . My Licensing officer - PS John Crump has attempted to contact her this week on several occasions , however she has not returned his calls. Mr Romaine is the Designated Premises Supervisor and PS Crump has spoken to him on Monday 7th March, however the content of the conversation from Mr Romaine has given me a firm belief that the Premises is not being effectively managed and that this will lead to further incidents of both serious crime and disorder.

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

There have been several violent incidents at the premises since 28th November 2009 . On that occasion late at night the suspect and victim had a fight at the bar and the suspect hit the victim over the head with a stool causing Actual Bodily Harm. The crime allegation was not proceeded with as the victim would not take the matter any further. The fight was broken up by other customers who also escorted both victim and suspect out of the premises. No mention of any door supervisors was made by those persons interviewed by police.

On 11th April 2010 late at night another ABH occurred when a Door supervisor tried to intervene in an incident between two groups of males outside the venue and was elbowed in the mouth knocking out a tooth. The Door Supervisor did not want to report to police or proceed with the allegation consequently preventing proper justice to be administered and undermining the Licensing Objectives.

On 26th June 2010 at 0300 hrs Harrow Council CCTV operators observed a crowd gathering outside the venue. A male seen wearing a balaclava approached a group apparently with a knife. A fight has taken place and the male armed with the knife is knocked to floor where he is repeatedly punched, kicked and head stamped on. One suspect suffers a small puncture wound to the side of the body.

Last week Harrow Council Licensing Authority received notification from a local resident that the premises was a continual source of noise and disturbance.

On 05/03/2011 at about 0100hrs police were called to the location after reports of a group of people fighting outside the location. Upon arrival several people had started to walk off with loads of broken glass on the floor outside the venue with nobody making themselves known to police or substantiating any allegation. Two calls to police were made about the disturbance and one from a local resident.

As police were leaving the scene they received a call from a member of the public who stated that he has just been hit over the head with a bottle and was at a nearby kebab shop.

Police made there way to the location to find the victim with blood pouring from his face. On closer inspection he had a 3/4 inch gash from his right eyelid stretching down onto his cheek bone and three smaller cuts on his forehead and around the nose. A second victim was also inside the shop and had a laceration to his left thumb.

A third victim was lying on two chairs having also been kicked in both kneecaps causing them to lock. A fourth victim was standing in the shop doorway holding a tissue on the side of his head which concealed a cut.

All four had been drinking in the premises when the fight broke out and on attempting to leave were attacked by up to 15 to 20 other customers using fists, feet, bottles and beer glasses.

All four victims were taken to Northwick Park Hospital for there injuries to be treated. The first victim injuries were suspected to be very serious and after speaking with the doctor police were told that he also had a cut to the eyeball and was to be kept in the hospital for observation and an eye specialist to examine him. It is considered that his injuries may amount to Grievous Bodily

Harm.

It has been noted that two of the victims were only 17 years of age and had been drinking alcohol.

This is despite a "Challenge 21" condition being attached to the current Licence. It is also noted that no Door Supervisors were present at the venue despite this, as well, being a condition of the Premises Licence.

One of the victims has alleged that those staff present not only did not assist but witnessed the initial incident and told the victim nothing could be done. This is a role which should have been dealt with by the door supervisors - if they had been present.

Police have requested the Premises CCTV - once again a condition of the licence requires this: THE CCTV SYSTEM TO BE MAINTAINED AND OPERATED IN GOOD ORDER AND TO THE SATISFACTION OF MET POLICE'S REASONABLE REQUESTS. THE MEDIUM UPON WHICH THE IMAGES ARE RECORDED WILL BE CLEARLY IDENTIFIABLE, STORED SECURELY, RETAINED FOR A PERIOD OF NOT LESS THAN 31 DAYS, AND IT WILL BE MADE AVAILABLE TO COUNCIL AND POLICE OFFICERS ON REQUEST.

However Sgt Crump has spoken to Mr Romaine who has admitted that the CCTV monitor is not working. He has further admitted that the images are only stored for 7 days and are then overwritten. He has further admitted that he has been unable to download the images to date. All three of these matters individually are a breach of the CCTV condition.

When investigating officers spoke to a member of staff later they said that they were not aware any incident had occurred.

I have also been made aware of a statement from London Borough of Harrow Environmental Health Officer Michela Cogan who records that with a colleague she observed that night that there were breaches of the three(3) door conditions - that "THE WINDOW BLINDS AND DOORS ARE SHUT FROM 2300 SO AS TO KEEP NOISE IN", that " WINDOWS AND DOORS WILL BE KEPT CLOSED WHILE REGULATED ENTERTAINMENT IS IN PROGRESS" and that "NOISE AND VIBRATION WILL NOT EMANATE FROM THE PREMISES SO AS TO CAUSE NUISANCE".

She further records that when they visited the next night - Sunday 6th March at just before 0100hrs these three conditions were again breached as well as the Door Supervisor condition. As well as this she noted that Mr Romaine was - by his own admission - the DJ on the Friday night/Saturday morning.

Harrow police have conducted an ongoing review of issues, and consider that these latest incidents have all occurred due to poor management and/or lack of control effected by Ms Dunning, her employees, and the designated premises supervisor Mr Frankie Romaine.

At this time, police closure powers are not considered an effective means for the long term control of these premises, as they are time limited to 24 hours with a maximum extension of 48 hours.

A standard review would also be inappropriate as it does not allow for the immediate suspension of the premises licence by means of the "interim steps".

These steps are required to ensure that the likelihood of any further serious crime or disorder is greatly reduced pending the full review.

Due to the recent levels of disorder and violence when licence conditions are ignored and the very strong probability of further serious injury and/or serious crime or disorder, it is requested that the Licensing Sub-Committee see fit to suspend the premises licence pending the full hearing.

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(Signed)

9. 3. 11

(Date)