



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 8 December 2022**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**
Aziz Toki (Chair)
Judith Southern
Caroline Sargent

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.00am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

If you require any further information, please contact Sarah Craddock, Committee and Councillor Co-ordinator.

Email: scraddock@westminster.gov.uk Tel: 07790980186
Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

1. THE MANETTE CAFE AND BAR, BASEMENT AND GROUND FLOOR, 16 MANETTE STREET, W1D 4AR

(Pages 1 - 114)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * West End **	The Manette Café and Bar Basement and Ground Floor 16 Manette Street W1D 4AR	Premises Licence Review	22/10879/LIREVX
*Cumulative Impact Area ** Special Consideration Zone			

Stuart Love
Chief Executive
2 December 2022

In considering applications for Premises Licences under the Licensing Act 2003, the Sub Committee is advised of the following:

Policy Considerations

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

Guidance Considerations

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 the Licensing Act 2003. The most recent version was published in April 2018.

Core hours When Customers Are Permitted to Be on The Premises

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

Note: The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

1. Casinos

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday: 09:00 hours to 24:00 hours

3. Hotels

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

4. Off licences

Monday to Saturday: 08:00 hours to 23:00 hours

Sunday: 09:00 hours to 22:30 hours

5. Outdoor Spaces

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

6. Pubs and bars, Fast Food and Music and Dance venues

Monday to Thursday: 10:00 hours to 23:30 hours

Friday and Saturday: 10:00 hours to 24:00 hours

Sunday: 12:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

7. Qualifying Clubs

Monday to Thursday: 09:00 hours to 24:00 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

8. Restaurants

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours



City of Westminster

Executive Summary and Recommendations

22/10879/LIREVX	Licensing Sub-Committee Report	
Date:	Thursday 8 December 2022	
Subject:	Full review of the premises licence for: The Manette Café & Bar Basement And Ground Floor 16 Manette Street London W1D 4AR	
Premises Licence Holder: Mr Brian Kavanagh	Ward: West End	Cumulative Impact Zone: West End
<p>Summary</p> <p>An application was made by the Metropolitan Police Service on 11 November 2022 to review the premises licence for The Manette Café & Bar, Basement And Ground Floor, 16 Manette Street, London, W1D 4AR (“The Premises”) under Section 53A(1)(b) of the Licensing Act 2003 (“The Act”). The Police consider that the Premises are associated with serious crime or serious disorder or both.</p> <p>A Licensing Sub-Committee was convened on the 15 November 2022 to consider whether it was necessary to take interim steps pending the determination of the Review applied for. The Sub-Committee decided to take the following steps:</p> <ul style="list-style-type: none"> • To suspend the Licence with immediate effect. • To exclude the sale of alcohol from the scope of the licence; • To remove the Designated Premises Supervisor. <p>In view of the seriousness of this case, it was necessary for this Interim Decision to take immediate effect.</p> <p>A copy of the Interim Steps Decision can be found at Appendix 6.</p> <p>Following the advertisement of the review application, representations have been received from 7 members of the public in support of the review.</p>		

A representation has also been received from the Environmental Health Service in support of the review.

The representations can be seen at **Appendix 4** of the report.

The Licensing Sub-Committee is now required to:-

- (1) Review the Interim Steps taken on 15 November 2022 and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or whether they should be modified or withdrawn; and
- (2) To determine the full review of the premises licence pursuant to Section 53C of the Act.

1. Summary review application

- 1.1 On Saturday 29 October 2022, Police were made aware that a female had allegedly recently been seriously sexually assaulted within the venues toilets. Police arrived at the Premises around 02:45. Officers had to make numerous attempts to enter the Premises and once inside, the officers could see licensable activity taking place. They state that the staff and manger were obstructive and unhelpful in their dealing with them. Officers were showed the toilets and the manager told Police that he might know the suspects who had now left. He also stated that the toilets had been cleaned and used since the offence and there would be nothing there. When officers looked inside the toilet, it was dirty and did not appear to be clean. The manger then tried to clean the toilet and Police had to remove him. When officers identified CCTV at the Premises the manager could not operate it and it now transpires that the CCTV was not working.
- 1.2 Police Licensing were informed of this serious incident. Looking at the Premises licence they noted not just breaches of the licence conditions but also that the Premises had been carrying on licensable activity nearly 3 hours past their Premises licence allows. Officers made multiple attempts to contact the Premises Licence Holder and Designated Premises Supervisor. Eventually officers managed to meet with the Premises Licence Holder, the manager at the time of the incident and a City Inspector from Westminster Council on 9 November at the Premises where the incident was discussed along with the various breaches of licence conditions. During this meeting further breaches became apparent, along with a clear lack of management of the Premises.
- 1.3 Due to the seriousness of the offence, the multiple breaches of the licence and the clear lack of control of the Premises the Police believe that the Premises have failed to uphold the prevention of crime and disorder licensing objective. As such, the Police believe that the Premises is a risk to the public.

2. Interim Steps

- 2.1 Under the provisions of section 53A(2)(a) of the Act the Licensing Sub-Committee must within 48 hours of receiving the summary review application consider whether it is necessary to take interim steps pending the determination of a full review of the premises licence.
- 2.2 A Licensing Sub-Committee was held on 15 November 2022 to consider whether it was necessary to take any interim steps pending the determination of the full review. The Sub-Committee decided to take the following steps which took immediate effect.
- To suspend the Licence with immediate effect.
 - To exclude the sale of alcohol from the scope of the licence;
 - To remove the Designated Premises Supervisor.
- 2.3 A copy of the Interim Steps Decision can be found at **Appendix 6**.

3. Submissions from the Premises Licence Holder

- 3.1 The Premises Licence Holder has provided a witness statement to the Metropolitan Police Service in support of the review which can be found at **Appendix 3**.

4. Response to Consultation

- 4.1 Since the review application has been advertised the Licensing Service has received a representation from the Environmental Health Service dated 21 November 2022 in support of the review. A copy of the representation can be seen at **Appendix 4** of this report and the supporting documents at **Appendix 5**.
- 4.2 Representations were also received from 7 members of the public in support of the review. Copies of those representations can be seen at **Appendix 4** of this report.

5. Legal Implications and Options for the full review

- 5.1 The review of the licence is a two stage process. Firstly, The Licensing Sub-Committee is required to review the interim Steps taken on 15 November 2022 and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or whether they should be modified or withdrawn. If the Licensing Sub-Committee concludes that some or all of the interim steps should remain in place then, it must decide whether it should have immediate effect.
- 5.2 Secondly, the Licensing Sub-Committee must, having regard to the application and the representations received, take such steps (if any), as it considers appropriate and proportionate for the promotion of the licensing objectives.

The steps are:

- (a) to modify the conditions of the premises licence;
- (b) to exclude the sale by retail of alcohol from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for up to a period of three months;
- (e) to revoke the licence.

6. Equality Implications

6.1 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

6.2 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

7. Appendices

- 7.1 Appendix 1 – Premises Licence
Appendix 2 – Review Application Form
Appendix 3 – Metropolitan Police’s Supporting evidence
Appendix 4 – Representations
Appendix 5 – Licensing Authority supporting Documents
Appendix 6 – Interim Steps decision
Appendix 7 – Licence History

If you have any queries about this report or wish to inspect one of the background papers please contact Jessica Donovan on 020 7641 6500, or email Jdonovan@westminster.gov.uk.

Background Papers

- Licensing Act 2003
- Violent Crime Reduction Act 2006
- The Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007
- Home Office Guidance issued under section 182 of the Licensing Act 2003 (March 2018)
- Department for Culture Media and Sport, Licensing Act 2003 – Expedited/Summary Licence Reviews Guidance (October 2007)



**City of Westminster
64 Victoria Street, London,
SW1E 6QP**

**Schedule 12
Part A**

**WARD: West End
UPRN: 010033537848**

Premises licence

Regulation 33, 34

**Premises licence
number:**

21/04707/LIPN

Original Reference:

21/04707/LIPN

Part 1 – Premises details

Postal address of premises:

Basement And Ground Floor
16 Manette Street
London
W1D 4AR

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music

Monday to Sunday: 09:00 to 00:00

Sale by Retail of Alcohol

Monday to Sunday: 11:00 to 22:30

The opening hours of the premises:

Monday to Sunday: 07:00 to 23:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Mr Brian Kavanagh

Please note: It is the policy of the Licensing Authority not to display the address details of a licence holder where that is an individual.

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

Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mr Brian Kavanagh

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

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

Licence Number: LN/000020323
Licensing Authority: London Borough Of Islington

Date: 8 February 2022

This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (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 a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (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.
7. 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.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) 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.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (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 amount 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.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above 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.

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above 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.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
11. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
12. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day
16. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
17. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

18. The supply of alcohol shall be by waiter or waitress service only
19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises

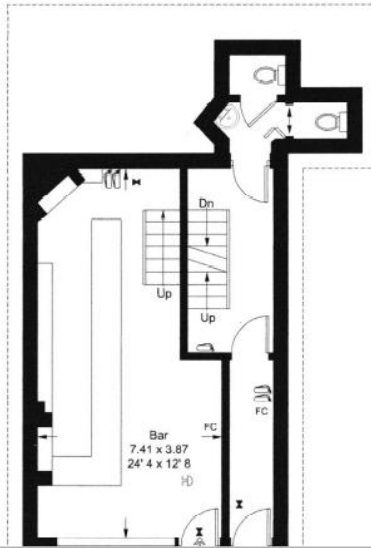
20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
21. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take glass containers with them
23. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
24. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined, not to exceed 40, excluding staff.
25. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority
26.
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

28. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

Annex 4 – Plans

key	
Emergency Sign	⚡
Emergency Lighting	⚡
CCTV Camera	c
Fire Extinguishers	🔥
Fire Alarm	🔔
Fire Call Point	FC
Ambit of Licensed Area	-----



key	
Emergency Sign	⚡
Emergency Lighting	⚡
CCTV Camera	c
Fire Extinguishers	🔥
Fire Alarm	🔔
Fire Call Point	FC
Ambit of Licensed Area	-----

☐ = Reduced headroom below 1.5m / 5'0"





City of Westminster
64 Victoria Street, London,
SW1E 6QP

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 010033537848

Regulation 33, 34

Premises licence
number:

21/04707/LIPN

Part 1 – Premises details

Postal address of premises:

Basement And Ground Floor
16 Manette Street
London
W1D 4AR

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music

Monday to Sunday: 09:00 to 00:00

Sale by Retail of Alcohol

Monday to Sunday: 11:00 to 22:30

The opening hours of the premises:

Monday to Sunday: 07:00 to 23:00

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

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

Mr Brian Kavanagh

Please note: It is the policy of the Licensing Authority not to display the address details of a licence holder where that is an individual.

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

Not Applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mr Brian Kavanagh

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 8 February 2022

This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.

PROTECTIVE MARKING



**METROPOLITAN
POLICE**

TOTAL POLICING

Form 693

Form for Applying for a Summary Licence Review
Application for the review of a premises licence under section 53A of the Licensing Act 2003
 (premises associated with serious crime, serious disorder or both)

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 the 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.

Insert name and address of relevant licensing authority and its reference number:			
Name:	City of Westminster		
Address:	Westminster City Hall, 64 Victoria Street		
Post town:	London	Post code:	SW1E 6QP
Ref. No.:	21/04707/LIPN		

I Pc Steve Muldoon on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.
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1. Premises details			
Postal address of premises or club premises, or if none, ordnance survey map reference or description:			
The Manette Café and Bar, 16 Manette Street			
Post town:	London	Post code: (if known)	W1D 4AR
2. Premises licence details			
Name of premises licence holder or club holding club premises certificate (if known):			
Brian Kavanagh			
Number of premises licence or club premises certificate (if known):			
21/04707/LIPN			

PROTECTIVE MARKING

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:

4. Details of association of the above premises with serious crime, serious disorder or both
(Please read guidance note 2)


On Saturday 29th October 2022, Police were made aware that a female had recently been seriously sexually assaulted within the venues toilets. Police arrived at the premises around 02:45. Officers had to make numerous attempts to enter the premises and once inside, the officers could see licensable activity taking place. They state that the staff and manger were obstructive and unhelpful. Officers were showed the toilets and the manager told Police that he might know the suspects who had now left. He also stated that the toilets had been cleaned and used since the offence and there would be nothing there. When officers looked inside the toilet, it was dirty and did not appear to be clean. The manger then tried to clean the toilet and Police had to remove him. When officers identified CCTV at the venue the manager could not operate it and now it transpires that the CCTV was not working.

Police Licensing were informed of this serious incident. Looking at the licence they noted not just breaches of the licence conditions but also that the premises had been carrying on licensable activity nearly 3 hours past their premises licence allows.

Officers made multiple attempts to contact the PLH and DPS. Eventually officers managed to meet with PLH, the manager at the time of the incident and a City Inspector from Westminster Council on 9th November at the premises where the incident was discussed along with the breaches of licence conditions. Whilst at the meeting further breaches became apparent, along with a clear lack of management of the premises.

Due to the seriousness of the offence, the multiple breaches of the licence and the clear lack of control of the premises the Police believe that the premises have failed to uphold the prevention of crime and disorder licensing objective. As such, the Police believe that the premises is a risk to the public and it is necessary to suspend the premises licence until the full hearing.

PROTECTIVE MARKING

Signature of applicant			
Signature:		Date:	11/11/2022
Capacity:	Police Constable		
Contact details for matters concerning this application			
Surname:	Muldoon	First Names:	Steve
Address: Westminster City Hall, 4th Floor, 64 Victoria Street			
Post town:	London	Post code:	SW1E 6QP
Tel. No.:	07442 419872	Email:	Steve.muldoon@met.police.uk

Notes for guidance

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years
MP 146/12

PROTECTIVE MARKING



**METROPOLITAN
POLICE**

TOTAL POLICING

Form 693A

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:
serious crime

Premises (Include business name and address and any other relevant identifying details):

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

Manette Café and Bar, 16 Manette Street

Post town:

London

Post code:
(if known)

W1D 4AR

Premises licence number (if known):

21/04707/LIPN

Name of premises supervisor (if known):

Brian Kavanagh

I am a Superintendent* in the Metropolitan Police Service.

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

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

(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)

A summary review of this premises is necessary due to the serious nature of the offence that has been disclosed and the complete lack of failure to run the premises by the owner and the DPS. The interim steps are deemed both necessary and proportionate to reduce the risk of further serious offences or disorder pending a full hearing where the Metropolitan Police will seek revocation of the premises licence. The numerous breaches of conditions and admissions of the owner that there has not been a DPS on site for months displays a clear disregard for licencing objectives that a standard review will not be appropriate to deal with.

Signature

Signature:

Date:

10/11/22

Retention Period: 7 years
MP 147/12

METROPOLITAN POLICE EVIDENCE - THIS PAGE IS LEFT BLANK

STATEMENT OF WITNESS*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN

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Statement of: [REDACTED]

Age if under 18: Over 18

Occupation: Unemployed

This statement 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.

Signature: [REDACTED]

Date: 22 Nov 2022

I am the above named person and am making this statement in relation to a venue that i am currently the DPS and licence holder for. I also hold a personal licence.

I last year at some point applied for an alcohol licence for Manette Café and Bar, 16 Manette Street, W1. This was a venue I was overseeing on behalf of my brother [REDACTED] who owned the premises. I worked at the premises during the day. I would previously close the venue at 14:00. I applied for an alcohol licence for the venue so that we could sell pizza and alcohol in the evening. The plan for the venue was to close at 14:00 and re-open in the evening to sell pizza and alcohol.

I went to a licensing committee at Westminster City Hall in September 2021 where I advised the committee that I would be running the venue as a food led business and that this would not be a bar. I got the licence granted based on this.

I made all the staff aware that the venue got a licence to sell alcohol however also made them aware they had to sell food along with the alcohol. My brother [REDACTED] had employed staff to work in the evening. I believe that he employed males by the names of [REDACTED] and [REDACTED]. I do not know if [REDACTED] ever worked there.

It was my intention for the venue to be opened with a food menu with alcohol that would close at 22:30.

I have a degenerative back condition and had to subsequently leave the business, this was in November 2021.

I left the business with [REDACTED] as he was the owner and I had nothing to do with it. I got the licence on behalf of [REDACTED] as I know from passed experience that [REDACTED] could not obtain one. I presumed this was due to his previous criminal background.

To this date I have only heard from [REDACTED] a couple of times and I would class ourselves as not on good terms.

I have spoken to friends I know that know [REDACTED] and the venue, I have been told a number of times that the venue had been staying open after the hours they were allowed to, I have also spoken to long standing customers who have called me and advised me that the café has not been open during the day for some time.

I have not been to the venue since November 2021 and have no intention of ever returning. I started at the café in April 2021 and i have never benefited financially from this premises, I have also never been paid.

I would like to say that I no longer want to be the DPS and the licence holder for the premises and I would support the police in their case to revoke the licence.

If the licence was not already under review i would surrender it.

Signature: B. [REDACTED]

Signature Witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 16. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Stephen MULDOON

Age if under 18: Over 18 (if over 18 insert over 18) Occupation: Police Constable 228880

This statement (consisting of 2 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: 8th November 2022

I am the above named person and am currently employed by the Metropolitan Police Service to work as a police constable in the London borough of Westminster. My current role within the police is to work as a licensing officer.

My role as a licensing officer ranges from dealing with applications, temporary events and to investigate incidents within licensed premises.

On Tuesday 8th November at approximately midday, I was on duty in company with Pc 1614AW GUERRA. At the previously mentioned time and date we were attending The Manette Café and bar, Manette Street, W1 to discuss with the owners or management an incident that had occurred approximately a week before. I was attending without any arranged appointment as I had made attempts to make one however had not received a reply from the emails I had sent.

Prior to attending I checked the website for the venue and could see the venue was listed as being open between 11am and 11pm. Upon arrival I could see the venue was closed and had its blinds down, I could see the lights were on and heard a noise. I knocked and a male who later identified himself as [redacted] opened the door. I explained who we were and why we were here to which Paulo replied to advise us he was the only one here. I told [redacted] that I attended as they were shown as open on their website. [redacted] replied by saying "OH THEY DON'T DO THE CAFÉ ANYMORE".

I was given the owners details from [redacted] with a phone number, the initial number however did not correspond with the registered owner or DPS and was a male called [redacted] I asked [redacted] if he had anyone else's number from the venue and he advised me he had [redacted] number. I knew [redacted] was the owner, [redacted] replied "HE DOESN'T COME HERE ANYMORE THOUGH" I asked for his contact, [redacted] replied and supplied me the number. I called [redacted] first to make sure that [redacted] was allowed to be in the venue and then to arrange an appointment to discuss the incident. Kevin replied to say "OH I AM NOT MUCH TO DO WITH THAT PLACE ANYMORE AND I DO NOT GO THERE" I asked about the DPS to which [redacted] replied to say "THAT IS MY BROTHER [redacted] BUT HE DOESN'T GO ANYMORE EITHER AS HE CANT BECAUSE OF HIS BACK"

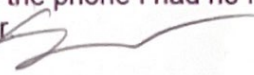
Witness Signature: 


Signature Witnessed by Signature:

Continuation of Statement of:

I explained to [redacted] that I needed to discuss the incident and the venue in general with someone asap. An appointment was then made for the next day (Wednesday 9th November) at 10am.

After hanging up the phone I had no further contact with [redacted], [redacted] or any other staff on the 8th November.



Witness Signature: 

Signature Witnessed by Signature: Page 2 of 2

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

This statement, consisting of three 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.

I have worked for Westminster City Council since June 2008, and I am employed as a City Inspector. This role involves the inspection of licenced premises across Westminster. I am an authorised officer under Environmental Protection Act 1990. I have completed a course in Noise measurement by the Institute of Acoustics.

On Wednesday 9th of November 2022, I James Joyce met with PC Steve Muldoon and PC Reaz Guerra both from Westminster Police Licencing at approximately 09:55 on Manette Street junction with Charing Cross Road London W1. We briefly discussed the history of The Manette Café at 16 Manette Street, London W1D 4AR. Our brief discussion included the alleged rape of a female customer at the premises that took place in the early hours of 28th of October 2022 and also the police officers who attended the incident were concerned that alcohol was being served at approximately 02:30 on 28th of October 2022, It was also noted by visiting police officers that smoke detectors were taped over in the premises.

At 10:05 PC Muldoon, PC Guerra and I entered the premises named The Manette Café at 16 Manette Street. We all introduced ourselves and produced our identity badges to both the owner of the premises Mr [REDACTED] and his bar worker [REDACTED] who was behind the bar counter of the premises. PC Muldoon spoke to [REDACTED] and explained the reason of the visit. [REDACTED] explained to PC Muldoon that he had been ill recently and not been to his premises. PC Muldoon asked to see the premises Incident Log but was informed by Mr Kavanagh that the premises does not have one. This is a requirement of the premises licence 21/04707/LIPN.

PC Muldoon then asked Mr Kavanagh for CCTV footage of recent trading nights and footage from the 28th of October. [REDACTED] informed PC Muldoon that the CCTV system was broken for the past two months. Again this is a condition on the premises licence that was breached. PC Muldoon asked to see recent till rolls but the current till roll had no information on the roll. I asked the bar worker [REDACTED] for any other rolls and produced a roll with no dates and various times that showed the till times were out of sync. The till roll showed a constant pattern of 50p sales, I asked [REDACTED] to explain why this pattern of sales, he stated that there was no No Sale button to open the till so he would ring in 50p to open the till drawer. I told [REDACTED] and [REDACTED] that it was a strange till pattern and very few drink sales were recorded through the till. I asked [REDACTED] how does his accountant know the premises sales if no sales are recorded on the till audit roll. [REDACTED] stated he did not know.

PC Muldoon asked [REDACTED] about the alleged rape that took place on his premises on 28th of October 2022, [REDACTED] stated he knew nothing of the alleged rape and stated he was surprised that his premises was receiving so much attention but after being informed by PC Muldoon now understood why. It was becoming clear that very little previous communication between [REDACTED] and [REDACTED] took place.

The premises Designated Premises Supervisor (DPS) was [REDACTED] brother [REDACTED] who had been ill recently and was not attending the premises.

I told [REDACTED] I would read out the conditions on his premises licence and for [REDACTED] to reply if he felt the conditions were met.

I started with the premises log book and [REDACTED] replied NO. Then the premises CCTV [REDACTED] replied NO. I asked [REDACTED] about storing of CCTV footage, again [REDACTED] replied NO. I asked were the CCTV faults recorded as per a condition on the premises licence, Mr [REDACTED] replied NO.

The following premises licence conditions were breached, No notices instructing patrons to leave quietly, no direct telephone line for the manager of

the premises and publicly available, no substantial meal served while consuming alcohol on the premises, the sale of alcohol after 22:30 was breached and witnessed by police officers. No persons serving alcohol the premises had a personal licence. No premises licence summary page on display.

I also noticed that the premises fire extinguisher was covered in dust and had no inspection labels on the extinguisher.

██████████ asked me could more licencing conditions be added to his premises licence to allow him to continuing trading. I stated because he ignored most of the conditions in his premises licence, any new conditions would be pointless.

PC Muldoon advised ██████████ to relinquish his premises licence to Westminster licencing by 10am on the 10th of November 2022. ██████████ agreed to this approach. Following the meeting I emailed ██████████ the correct Westminster licencing email address and instructed him to also inform his brother ██████████ to email Westminster licencing as he was the DPS and associated with the premises licence 21/04707/LIPN.

Signed:  (witness)

Date: 09/11/2022

(To be completed if applicable:
being unable to read the above statement I,of
....., read it to him/her before he/she signed it.

Signed: Date:)

STATEMENT OF WITNESS*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

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Statement of: [REDACTED]

Age if under 18: Over 18

Occupation: Manager

This statement 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.

Signature: [REDACTED]

Date: 23 Nov 2022

I am the above named person and am making this statement in relation to a venue I know know to be Manette Café and Bar, 16 Manette St W1.

I work at a nearby venue and have to walk through Manette St on a regular basis at varying times between 01:00 and 01:30.

I have walked passed the venue mentioned countless times and previously wondered what this was, I had seen it appear open, I heard music loudly inside, I have also seen people inside. Until approximately one month ago there was no signage on. I was unsure what this was but saw people of varying ages hanging round outside. I knew the people hanging around were not from Simmons Nextdoor as they had an organised queue and they appear nothing to do with it.

I around one month ago saw a sign appear, when the sign appeared I simply thought this was a brand new venue and this had been taken over and was opening.

I have since been told this venue was a café that had a licence until 22:30. Having heard the music and see the people that I saw at the venue I would although never going inside would have said this venue was a venue that had been allowed to open that late.

Signature: [REDACTED]

Signature Witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 16. 2; Criminal Justice Act 1967, s. 9; Magistrates’ Courts Act 1980, s.5B

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Statement of: Hannah Fordham

Age if under 18: over 18 *(if over 18 insert 'over 18')* Occupation: Police Officer

This statement (consisting of 2 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: *H Fordham* Date: 10/11/2022

I am the above named officer and on the 29th of October 2022 at approximately 0245 I went into Manette Street Café on Manette Street to do some CCTV enquiries regarding a sexual assault which had just been reported to officers.

On the 29th of October 2022 I was on high visibility uniformed foot patrol with PC GILLIGAN 4624AW when we got stopped by a male who wanted to report that his partner had been sexually assaulted in Manette Street Café. PC GILLIGAN 4624AW and PC COOK 2663AW took the initial report from the female whilst I and PC COGGINS 1320AW went to the venue to secure evidence. When myself and PC COGGINS arrived at the venue I went through the door way and was stopped by one of the males inside who I could describe as a white male, who was approximately 6 foot tall, with grey hair. He was wearing a blazer with jeans. I could see clearly that he was drunk and I was unsure if he was the manager. Therefore, I asked to speak to the manager. Another male came to the door who was a white male, approximately 5f10 with black long hair. He was wearing a leather type jacket with jeans. When speaking to this male he was very obstructive and was acting like he didn't want us to enter the pub. I did not tell either of these men what had been reported to police, I just asked them if I could speak to the manager.

After speaking to both of these males unsuccessfully I had to push past the male using common law who was blocking the door to get through to the pub. I believed this was necessary to preserve evidence. Once I went inside I could hear music, I could see approximately 20 people inside the pub. Approximately 10 people were sat at the bar. There was a barmaid there who I believed to be serving drinks to the people who were sat on barstools at the bar. I can confirm that there were seats and tables however, no one was sat on these tables and chairs. They were also playing music. I managed to speak to a male who appeared sober and identified himself as the manager. I asked him if he had CCTV downstairs, to which he replied yes and showed me where the camera was. PC COGGINS and I walked down the stairs of the pub and I couldn't see any CCTV where the toilet was. However, I did notice that there was a camera which was pointed into a room downstairs where there was seating. When speaking to the manager downstairs, whilst looking at the crime scene I noticed that there was what I believe to be a smoke detector above his head. This was covered by the original plastic that it comes with when you first buy it. Therefore, if there was a fire the alarms wouldn't sound. PC COGGINS then told the manager that no one was allowed to use the toilet anymore and that this had now become a crime scene. All three of us went back upstairs and when we got to the top of the stairs everyone that had been inside the pub had left. From talking to my sergeant I know see this behaviour of everyone leaving suddenly as a result of police being inside and them operating past their licences hours. Myself and PC COGGINS secured the scene and sat upstairs to take details off of the three men who were left inside the bar. We explained what had happened and if they noticed anything that had happened that night. I then noticed that there was another CCTV camera just above the door inside the pub. I took the managers details down and asked him a few questions. He was told by the female that reported the sexual assault to us that she had been sexually assaulted. The manager has described the suspect to me however, I can't remember these details but they are in my pocket note book, so I would be able to recall the description at another date. The manager said that he saw the suspect come into the pub asked the barmaid to use the toilet and then walked out. The manager did not want to provide a statement. As I was asking the manager these questions he was cashing up the till. I asked the manager if the barmaid would be able to give details of the suspect who asked to use to the toilet so

Witness Signature: *H Fordham*

Signature Witnessed by Signature:

Continuation of Statement of:

he rang her but she could not provide anything further. I asked the manager what their opening times were and they said between 5pm and 11pm. At this point it was past 3am in the morning and there were people in

I can confirm that there was no food being prepared to serve. The place where they would prepare and serve food was behind the bar and that included a toasties machine and a flat grill. I cannot confirm if money was being exchanged for alcohol but I can confirm that there was a barmaid serving drinks. There wasn't specifically dancing but there was a lot of people inside the pub who were all sitting at the bar. The manager refused to give me any copies of the CCTV and told me he wasn't able to work it. However, I could clearly see the cameras inside the venue and the HIKVISION CCTV monitor behind the bar. It took many attempts to gain entry into the pub, and to find the manager. All three of the males stated above had copies of keys to this pub but said that neither of them owned it. The manager did not want to wait on scene with officers to close the pub therefore, keys were handed over to officers and the manager was told to pick them up from the front office of Charing Cross Police Station the next day.

Witness Signature: *Hfordham*

Signature Witnessed by Signature:

STATEMENT OF WITNESS*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN

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Statement of: Constable Jack Coggins

Age if under 18: Over 18

Occupation: Police officer

This statement 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.

Signature:



Date: 10 Nov 2022

I am PC Jack COGGINS of the Metropolitan Police Service, currently attached to the WEPPT Policing Team based at Charing Cross Police Station. This statement relates to the breaking of licensing at 14 - 15 Mannede Street, W1D 4AP. My BWV camera was not recording throughout my attendance in the venue.

On Saturday 29th of October 2022, I was on duty in identifiable police uniform to staff up WEPPT Policing Team two(2). I was deployed on foot patrol in company with PC COOK P256925, PC FORDHAM P260675 and PC GILLIGAN P251335. At approximately 0300 hours a member of the public approached us and reported a sexual assault, naming the Mannede Café bar as the location of this assault. going with PC FORDHAM P256925 we went to the Mannede Café Bar to create a crime scene and prevent any further contamination of the scene. arriving to the front entrance to enter the Bar a male I do not know stepped in front of us and asked if everything was ok, asking if he worked there, the male replied something along the lines of "I'LL GET THE MANAGER" entering the bar and returning to with an IC1 Male I now know to be [REDACTED], stating to him that an incident has occurred and that we would need to enter and create a crime scene. The condition of [REDACTED], I would say he was drunk, this is because he was stumbling his words when talking and swaying from side to side. When [REDACTED] was informed that the venue may need to close as a crime scene was to be placed and that CCTV will be taken, [REDACTED] stated something along the lines of "THE CCTV IS BROEKN AND WILL BE UNABLE TO BE OBTAINED" I have then informed [REDACTED] that all bars located in the SoHo area, are obligated to provide CCTV upon request in accordance with the Licencing of the area. This has then changed [REDACTED] initial answer saying something along the lines of "THE CAMERS WORK BUT ITS HARD TO GET THE SYSTEM TO DOWNLOAD THE FOOTAGE, BUT I CANT HELP YOU I NEED TO GET THE MANAGER" with this PC FORDHAM P260675 has asked if [REDACTED] was the manager of which [REDACTED] said "NO" with this PC FORDHAM P260675 and Myself walked past both males entering the Bar.

Entering the bar I saw approximately 20-25 various people who of which had drinks in their hand on near where they were sitting, all in various stages of drunkenness. what I could see was that no patron in the venue had any form of food. later that night the area I suspect to be for cooking, behind the bar is a cooking station, was cold and I could tell that it hadn't been used that night. the atmosphere of the venue I would say to be lively as there was loud music with people drinking various alcoholic beverages with one another.

There was two bartenders who were in the process of serving patrons who were in the pub, one of which a Female bartender who I do not know, was in the process of taking a payment via what looked like to be a card machine. the other an IC2 male [REDACTED] had just handed a drink what I suspect to be alcoholic to a patron in the bar.

A IC2 male who I now know to be [REDACTED] approached us identifying himself as the manager, and asked what the problem was. explaining to him that an assault has taken place on his premise and that the

Signature:



Signature Witnessed by:

Continuation of Statement of: Constable Jack Coggins

bathroom area which was located down the stairs would need closing. Initially reluctant stating that he thinks he knows who we are talking about referring the victim as the "MANCHESTER COUPLE" saying something along the lines of "I KNOW WHO THEY BLAMED AND THEY ARE GONE NOW, THEY WOULDN'T OF DONE THIS". I have then told [REDACTED] to show us the female bathroom, which was located down stairs, when shown [REDACTED] said something along the lines of "THIS IS IT BUT IT'S BEEN USED ALL NIGHT AND CLEANED SO IT'S NO GOOD". I could see that the bathroom had been used all night but could tell that it had not been cleaned once, this is because the room was dirty, with what looked like to be urine stains and dirt on the floor.

Informing to [REDACTED] that the downstairs would be closed completely for a crime scene, he said something along the lines of "WE ARE BUSY" discussing with PC FORDHAM P260675 the next steps we would take, it was then that I saw [REDACTED] start attempting to clean the bathroom, with this we have removed him from the area, PC FORDHAM P260675 has left the venue to confirm some details from PC COOK P256925 and PC GILLIGAN P251335, during this I have managed the crime scene preventing further people from entering, and waiting on the cordon tape.

While preventing people from entering, a IC1 male with long red hair, who I saw when I entered the Venue approximately 30 minutes after entering, approached saying they need to loo, I have informed him saying that the downstairs is now closed as it is a crime scene, of which the IC1 Male has said something along the lines of "I'VE BEEN DRINKING HERE ALL NIGHT, I NEED A PISS" telling the IC1 male no he has said something along the lines of "FUCK THIS I WILL GO PISS OUTSIDE". after this interaction I have remained downstairs. while downstairs I have seen smoke detectors with a red dust cap on, from my previous experience I know this prevents the alarm from working, I have also heard someone upstairs, who I can't identify say something along the lines of "guys please you need to leave now".

At approximately 0345-0400 hours the patrons have left the venue leaving the IC1 male who I first interacted with, [REDACTED] and [REDACTED]. while gathering information on them regarding CCTV they kept informing myself and PC FORDHAM P260675 that the CCTV of the area does not work as the wires are broken. both [REDACTED] AND [REDACTED] initially stated to officers that they knew the person being accused, however when trying to get a description of the suspect both [REDACTED] AND [REDACTED] were reluctant to provide details, and when prompted to both provided different details.

Finally at approximately 0430 hours all three males have left the bar leaving myself and PC FORDHAM P260675 with the keys stating to lock up the bar when we are done.

Witness 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

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Statement of: PC Ellie COOK

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

This statement (consisting of 1 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: PC Ellie Cook 2663AW Date: 11/11/22

This statement is in relation to the licensing issues of MINNETTE CAFE BAR.

I am the above named person, PC COOK 2663AW, I am based at Charing Cross Police station. I am on the West End Proactive Police Team where I am tasked to deal with priority crimes of; robbery, theft person, violence against women, drug use and drug supply. I have been a serving police officer for two (2) years. I was in full uniform, HIVIS and PPE. In this statement I will refer to PC GILLIGAN 4624AW, PC FORDHAM 3745AW and PC COGGINS 1320AW. I will also refer to the victim as VIW1 and her partner as VIW2.

This incident occurred on the 29th of October 2022 at approximately 0245 hours. Whilst on foot patrol on GREEK STREET with PC GILLIGAN, PC FORDHAM and PC COGGINS I saw PC GILLIGAN was approached by VIW2. When asking PC GILLIGAN what was going on she stated to me that there is a report of exposure that has happened in MINNETTE CAFÉ BAR. Whilst listening to VIW1 explain what has happened it was discovered this was a report of an oral rape. VIW1 explain this occurred in MINETTE CAFE BAR approximately just over an hour ago which would have made it 0130 hours. VIW1 has entered with her partner and friends, attended the bathroom where a male has been inside the communal sink area and forced his way into the toilet orally raping VIW1. VIW1 has clearly been drunk as well as all her friends whilst speaking to officers. PC GILLIGAN and myself asked PC FORDHAM and PC COGGINS to attend the venue to ascertain if the venue was still open and contain a crime scene. I was approached by PC FORDHAM at approximately 0255 hours stating that the venue was still open and that there was a toilet downstairs and that PC COGGINS was still at the venue speaking to staff. I informed PC FORDHAM to set up a crime scene in the toilet and not let anyone enter the area or close the venue. I continued to liaise with PC FORDHAM and PC COGGINS regarding the crime scene where I was informed that they had been left with keys to the venue as the staff where about to close, this was at approximately 0320 hours.

Whilst speaking with VIW1 she stated they had entered MINETTE CAFÉ BAR noticing there was no security officer on the door or anyone checking for identification. VIW1 has purchased one alcoholic drink whilst her partner and friends have also purchased drinks. VIW1 left her partner and friends to go to the toilet where she has been orally rapped. VIW1 stated the venue was busy with many customers, she has stated to her partner that a male has exposed himself in the toilet. VIW1 and VIW2 have approached staff at the bar where they have explained what has happened. VIW1 and VIW2 made it clear to officers that when speaking to staff at the venue and pointing out the suspect, staff have reacted in a shocked

Witness Signature: PC Ellie Cook 2663AW

Signature Witnessed by Signature:

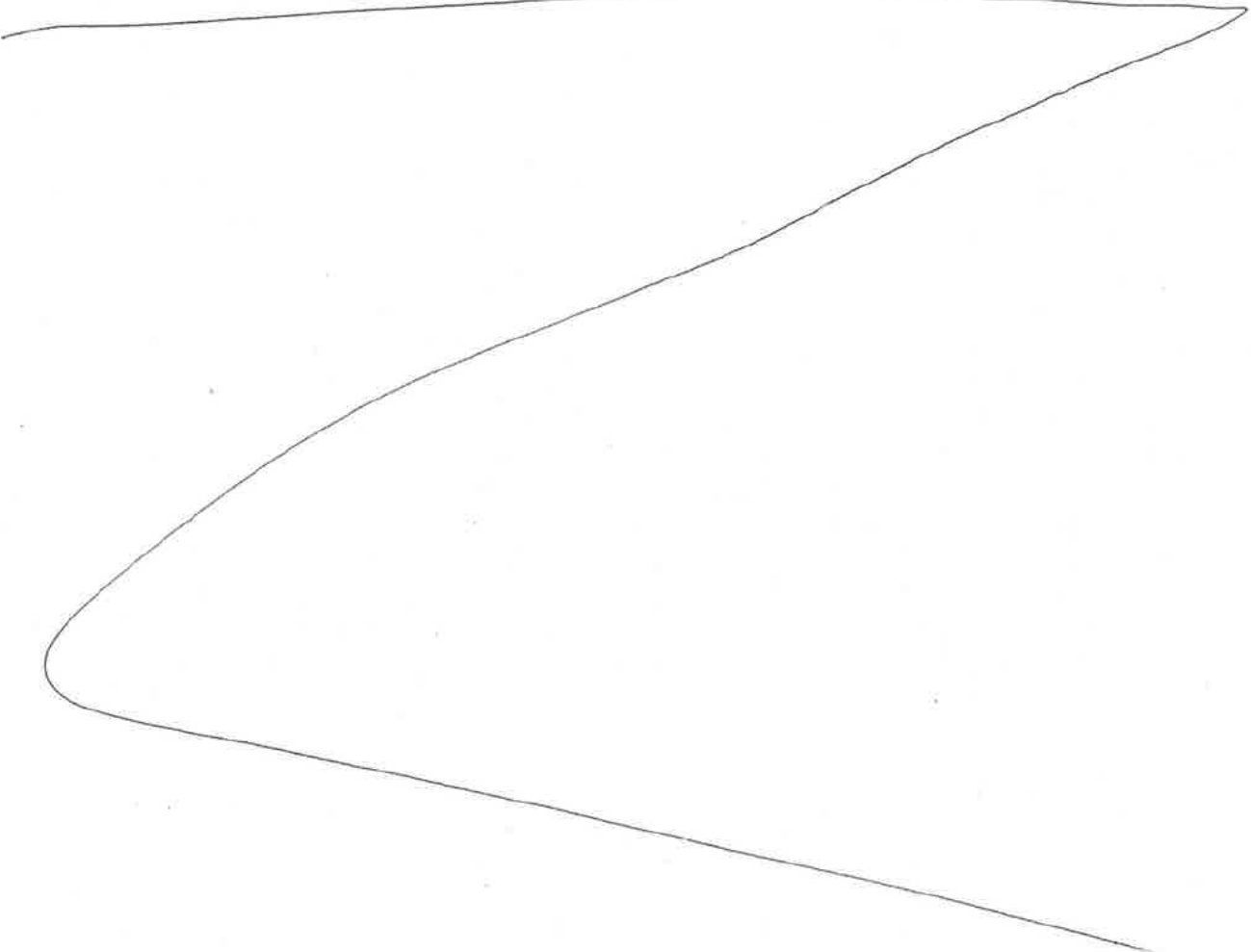
Continuation of Statement of:

tone. VIW1 described it as staff reacted like they knew the suspect personally, whether he worked there or was a friend and reacted as though the suspect couldn't have done that. It is unknown why staff have not reported this incident to police themselves and there has been a time lapse between the incident and VIW1, VIW2 reporting this to police.

During the incident Sapphire officers have attended the scene to document the crime scene and obtain CCTV. Whilst speaking to Sapphire officers in Charing Cross office I have noticed they have been viewing CCTV from that night. I recall CCTV showing VIW1 walking out of the bar where it is clear there are multiple customers entering and exiting the venue with glass drinks in their hands. This was at approximately 0130 hours on CCTV. Customers are seen congregating outside the venue to smoke and continue drinking from glasses what appears to be beers and ales as well as glasses of wine. At no point on this CCTV have I seen any food in customers' hands. I viewed footage from a Sapphire officer who filmed the crime scene. I could see this was a small bar with very few tables, it appeared very dark with windows blocked from the inside to stop anyone seeing inside. The toilet was in the basement where it only contains one toilet and one sink.

I did not attend the venue myself only dealing with the victim. When returning to the station it was clear VIW1, VIW2 and her friends were too drunk to be able to provide statements regarding the incident.

I exhibit my body worn footage of speaking to the victim as ECC/01.



Witness Signature: *P.C. Ellie Cook 2663 AW*

Signature Witnessed by Signature:

WITNESS STATEMENT

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

URN

--	--	--	--

Statement of: Jade Gilligan

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

This statement (consisting of 1 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: Jade Gilligan 4624AW Date: 11/11/2022

On SATURDAY 29th October 2022 I was on duty as part of the WEST END PROACTIVE PARTNERSHIP TEAM (WEPPT) 2 in SOHO, W1. At some point between 0230 and 0300 hours I was in the company of PC Cook 2663AW, PC Fordham 3745AW and PC Coggins 1320AW on GREEK STREET, W1 when we were approached by a male stating his girlfriend had been sexually assaulted at a bar on MANNETTE STREET and wanted to make a report. On speaking with the female who I will refer to as [REDACTED] she stated to me that around an hour prior sometime between 0130 and 0200 hours she had been in the MANETTE CAFE BAR located at 14-15 MANETTE STREET, W1D 4AP with her partner and two friends. At some point she has gone downstairs to use the restroom at which point she had alleged an oral rape was committed by a male she did not know. She reported the incident to staff at the bar and [REDACTED] along with her partner and two friends stated the reaction they had when alerted to who the male was, was one that very much gave them the impression they knew the male as they seemed surprised at her allegation and we're asking her if she was sure she had the right person. At the time of the alleged incident [REDACTED] and her companions stated the Bar was open and busy with people being served alcohol, themselves included who had ordered and purchased drinks from behind the bar. Due to the nature of the offence the investigation was handed over to officers on the SAPPHIRE unit who attended the bar to investigate the crime scene that had been put in place by PC Fordham and PC Coggins. SAPPHIRE officers conducted CCTV trawls at the venue and found a male matching the description given by [REDACTED] on one of the outside cameras at around the sort of time she said the offence had occurred (just after offence) on the CTV it appeared that there were a large number of patrons outside the venue coming and going from within. I have since this incident been informed that the venue only has a license to operate and serve alcohol until the hour of 2300 and so all of the above reported to me strongly suggests the venue was in breach of this at the time.

I exhibit my body worn of the initial account from [REDACTED] as JCG/01 Jade Gilligan 4624AW

Witness Signature: Jade Gilligan 4624AW

Signature Witnessed by Signature:

SINGLE INCIDENT PRINTOUT
PAGE 1

INCIDENT No. 864:29OCT22

INCIDENT No. 864 entered at 02:44 on 29OCT22 by 240770/H2653 in DIV-AWS

Rec By :R (Radio)

Call Tel :

Call Name:

Call Type:

Call Mail:

Cntct Tel:

Att Locn :MANETTE ST, W1

Map :Page 141, Grid Reference 529811,181192

GPA :CL Division: [AWS:CNW]

Inc Locn :MANETTE ST

Map :Page 141, Grid Reference 529811,181192

GPA :CL Division: [AWS:CNW]

Call Locn:MANETTE ST

Map :Page 141, Grid Reference 529811,181192

GPA :CL Division: [AWS:CNW]

Opening 1:503 (Police Generated Resource Activity)

Open Text:

Urgency :R (Referred)

Major :

VRMs :

Proposal :(BOCU at 08:19/29OCT22):SL780C

Assigned :

DeAssign :2663AW, 3535AW, 1578AW, 3009AW, 2649AW, CSE199

TOA :07:21:15/29OCT22

DO Name :

DO Tel :

CRIME REF:6564962/22

Class 1 :018 (Sexual Offences - Rape)

Qual 1 :701 (Assistance Requested / Rendered)

Res 1 :710 (Crime Entry/Updated)

Clo Text :CRIME REPORT

O Dealing:

Metops :

CHS Demid:

Linked :

Location Field : (For previous Incidents at this location use
action:LCD or LCL - use DARIS to extend search)

Gazetteer Comments : (May have existed or altered since Incident creation

-

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT
PAGE 2

INCIDENT No. 864:29OCT22

Use MSS SMF:SPECARCHIVE)

Location Based Comments

** Attendance and Incident and Caller Location **

MANETTE ST,W1
RUNS BTWN GREEK ST AND CHARING CROSS RD

Remarks:

Time Date Opid Termid

29OCT22 240770 H2653 (pre 1st routing)
^2663AW.. POTENTIAL T002 AT LOCATION
03:03:36 29OCT22 741912 H2725 #2
^1320AW
CRIME SCENE
MANETTE BAR
NO TAPE
03:04:01 29OCT22 741912 H2725 #3
^WEP TEAM - ASSISTING WITH TAPE - CX
03:05:48 29OCT22 099548 H2726 #4
^4624AW - [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
03:06:51 29OCT22 197470 L2931 #5
AWS^SI NOTED. IF THIS IS A STRANGER 1 T018 PLEASE RESEND. THANKS
05:58:52 29OCT22 072603 L3113 #6
^MFC - I HAVE SPOKEN TO DC BECKETT WHO HAS INFORMED ME THE
FEMALE
VICTIM WAS IN THE VENUE WITH HER BOYFRIEND. VICTIM WENT TO THE
TOILET
DOWNSTAIRS IN THE VENUE. TOILET IS A CUBICLE CONTAINING A
TOILET AND
SICK BEHIND A SLIDING DOOR. MALE SUSPECT HAS ENTERED THE
CUBICLE WITH
HIS PENIS EXPOSED AND HAS FORCED THE VICTIM TO PERFORM ORAL SEX
ON
HIM. NO EJACUATION AND SUSPECT AND VICTIM THEN LEFT THE
CUBICLE.
VICTIM INFORMED HER BOYFRIEND OF WHAT HAD HAPPENED AND BOTH
PARTIES
LEFT THE VENUE. SUSPECT SEEN OUTSIDE THE VENUE, CHALLENGED BY
VICTIM'S BOYFRIEND, AND DENIED ANY INVOLVMENT. SUSPECT DECAMPED
FROM
VENUE. INCIDENT REPORTED OVER AN HOUR AFTER AND NO PRESERVATION
MADE
OF SCENE (TOILET). POLICE ATTENDED AND TOILET SEIZED AS A CRIME
SCENE.
EEK TAKEN FROM VICTIM.
STAFF HAVE GIVEN KEYS TO VENUE TO POLICE WHICH HAVE BEEN BOOKED
IN AT

CX POLICE STATION. E/T SOCO TO LIAISE WITH SAFE GUARDING AT CX
TO
ARRANGE TO ATTEND TO PHOTOGRAPH TOILET. UNKNOWN IF TOILET DOOR
IS A
SUITABLE SURFACE FOR A FINGERPRINT / FORENSIC EXAMINATION - E/T
SOCO
TO VISUALLY EXAMINE AND PHYSICALLY EXAMINE IF DEEMED SUITABLE.

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT
PAGE 3

INCIDENT No. 864:29OCT22

Time	Date	Opid	Termid	
07:10:48	29OCT22	709385	H2661	#7 MFC^AWS SC IS THIS ONE YOU'RE AWARE OF PLEASE?
07:12:10	29OCT22	072603	L3113	#8 ^MFC - SEE ABOVE
07:21:04	29OCT22	098279	H2726	#9 ^SHOW MYSELF 3009AW AND 2649AW ON SCENE
07:58:40	29OCT22	079984	L3110	#10 ^MFC CSE199 IS AWARE AND DEALING
12:38:02	29OCT22	742910	H2725	#11 ^3009AW MYSELF AND 2649AW - LEFT SCENE, SCENE HAS CLOSED ON AUTHORISATION OF ADS SONG
12:40:52	29OCT22	709385	H2661	#12 OPS^AWS ARE YOU ABLE TO ASSIST IF FINDING THE CRIS NUMBER FOR THIS ONE PLEASE? THANKS

Previous Actions:

Time	Date	Opid	Termid	ACTION
02:44:46	29OCT22	240770	DIV:AWS	AV/2663AW
02:45:04	"	"	"	O() 503:POLICE GENERATED RESOURCE ACTIVITY
"	"	"	"	PI
02:45:06	"	"	"	AK
02:48:14	"	250283	CCC:CADL	VI/p250283
02:54:45	"	239925	"	VI/p239925
02:56:55	"	"	"	VI/p239925
02:59:04	"	"	"	VI/p239925
03:00:36	"	"	"	VI/p239925
03:01:54	"	250283	"	VI/p250283
03:02:51	"	239925	"	VI/p239925
03:03:11	"	099548	DIV:AWS	LOCI() ()
"	"	"	"	LOCC() ()
03:03:18	"	"	"	LOCA(MANETTE ST) (CL)
03:03:35	"	"	"	SI
03:03:40	"	741912	"	AK
03:03:51	"	"	"	AV/3535AW
03:04:37	"	197470	CCC:IR	LG/(AUTO CM)
03:06:51	"	"	"	PI/(AUTO CM)
03:07:02	"	741912	DIV:AWS	AK
03:07:17	"	239925	CCC:CADL	VI/p239925

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT
PAGE 4

INCIDENT No. 864:29OCT22

Time	Date	Opid	Termid	ACTION
03:15:04	29OCT22	250283	CCC:CADL	VI/p250283
03:26:49	"	"	"	VI/p250283
03:30:26	"	"	"	VI/p250283
03:56:40	"	"	"	VI/p250283
05:51:37	"	072603	DIV:AWS	PI/MFC
05:51:43	"	"	DIV:MFC	AK
05:51:51	"	741912	DIV:AWS	AK
05:59:05	"	072603	DIV:MFC	LOCA ((SCENE) MANETTE ST) (CL)
06:36:13	"	250283	CCC:CADL	VI/p250283
06:36:38	"	"	"	IP//DC PACQUETTE/1/p250283@met.police.uk
07:10:49	"	709385	DIV:AWS	PI/MFC
07:10:50	"	"	"	AK
07:11:50	"	072603	DIV:MFC	AK
07:12:41	"	098279	DIV:AWS	AV/1578AW
07:21:15	"	"	"	AV/3009AW
"	"	"	"	TOA/3009AW
07:21:29	"	"	"	AV/2649AW
"	"	"	"	TOA/2649AW
07:21:51	"	"	"	DA/2663AW 3535AW
07:58:12	"	079984	DIV:MFC	AV/CSE199
07:58:23	"	"	"	LOCA ((SCENE) (ET SOCO CX) MANETTE ST) (CL)
07:58:41	"	"	"	PI
"	"	"	"	AK
07:58:45	"	740614	DIV:AWS	AK
08:19:03	"	711010	"	LOCA ((SCENE) (CSE199) MANETTE ST) (CL)
08:32:28	"	227369	CCC:CADL	VI/p227369
08:32:41	"	"	"	IP//ads song/1/p227369@met.police.uk
08:33:10	"	"	CCC:CRIS	VI/p227369
09:09:10	"	261689	CCC:CADL	VI/p261689
10:16:09	"	070687	DIV:MFC	PS/CM
10:22:14	"	260589	CCC:CADL	VI/p260589
11:04:33	"	261689	"	VI/p261689
11:22:59	"	701642	DIV:MFC	CM
12:38:40	"	742910	DIV:AWS	DA/1578AW 3009AW 2649AW CSE199
12:38:59	"	"	"	PS/CM
12:40:37	"	709385	"	LOCA ((SCENE) (CSE199) MANETTE ST, W1) (CL)
12:40:53	"	"	"	AWT/OPSROOM
12:40:57	"	"	"	LOCA (MANETTE ST, W1) (CL)
12:48:26	"	236969	"	ACR/6564962/22
"	"	"	"	PI
12:48:32	"	711010	"	AK

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT
 PAGE 5

INCIDENT No. 864:29OCT22

Time	Date	Opid	Termid	ACTION
-----	-----	-----	-----	-----
12:48:39	29OCT22	236969	DIV:AWS	CTX()
12:50:04	"	"	"	AC()
"	"	"	"	AQ()
"	"	"	"	AR()
12:50:15	"	"	"	PS/CM
12:50:54	"	709385	"	CM
12:50:57	"	"	"	LOCA((OPS) MANETTE ST, W1)(CL)
15:54:35	"	259618	CCC:CADL	VI/p259618
02:57:26	30OCT22	218606	"	VI/p218606
02:36:29	07NOV22	243557	"	VI/p243557
10:22:20	11NOV22	229211	"	VI/p229211
13:48:28	23NOV22	250283	"	VI/p250283
10:41:31	24NOV22	228880	"	VI/p228880
10:42:14	"	"	"	VI/p228880
10:43:03	"	"	"	IP//muldoon/1/p228880@met.police.uk

... END OF

PRINT ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
 NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

General Information

Screening Decision: IN

Main

IU: AWBCU AW Basic Command Unit
 Crime Type: C H/O Crime Type: 2
 Allegation (Prefix):
 Allegation:
 Committed on/from Date: SAT 29/10/2022 01:30
 Committed to Date: SAT 29/10/2022 02:00
 Reported Date: SAT 29/10/2022 02:40
 How Notified: NB Officer/PCSO- Street
 Restricted? By: Date:
 Restriction Reason:

Flags

CW

Borough

Branch

IO ISVA Referral Offered
 SA SCAS - Case Papers Requested
 SX Level A-SCD2 Complex/High Risk

Service

Area (Historical)

SX Sexual Element to Offence
 SO Sexual Offences
 VR Body Worn Video Devices

OIC

Is OIC Same As Reporting Officer ?
 Investigating Officer's Rank: DC
 Surname: SONG Initials: H
 Warrant Number: 227369 Div/D Number: 2671AW Usual Relief: 1
 Duty: OB Other duty (CID)
 Station/Branch: AWSOTH
 Allocated Date/Time: 30/10/2022 20:07
 Allocation Noted? Y Noted Date/Time: 30/10/2022 20:11
 BWV Noted? Y BWV Noted Date/Time: 30/10/2022 20:11

Previous OIC Details

Usual Relief	Duty	Station Branch	Allocated Date/Time	Noted Date/Time	BWV Noted Date/Time
PC 251335	J GILLIGAN	4624AW			
	AA Borough Uniform	AWHQ	29/10/2022 05:39	29/10/2022 05:39	30/10/2022 03:52

OIC Supervisor: DS1463AW/200811 TG SHEA

Press

Suitable for Press? N
 Restrictions:
 Is this a Specrim? N
 Date/Time:
 Was a Firearm Used? N
 Was other Weapon Used? N
 Are there Terrorist Implications? N
 Was a Suspect present on Police arrival? N
 No. of Suspects Present:

General Information

Was the Suspect(s) arrested? N
No. of Suspects Arrested:

Source System References

Source System Name	Source System Reference	Entered Date/Time	Entered By
--------------------	-------------------------	-------------------	------------

Totals

Total Values:

Stolen £:	Outstanding £:	Damaged £:
Recovered £:		Damaged On Recovery £:

Total:

VIW(s):	6	Property	0	Vehicles(s):	0
Accused:	0	Suspect(s):	1	CAIT Subject(s):	0

Drugs/Fraud

Is this CR for an arrest for possession etc. (not theft) of controlled drugs?
If Fraudulent Use-Item Used: N

DV/Hate Crime

Is this a Hate Crime/Domestic Incident/Carer Abuse? N

Domestic Incident? Forced Marriage?

Honour Based Violence? Carer Abuse? Hate Crime?

Initial Risk Assessment (SPECSS+):

Completed by:

Initial Risk Assessment Management Supervised?
Completed by:

Current Risk Assessment (SPECSS+):

Completed by:

Form 124D Completed?

Completed by:

Form124D Supervised?

Completed by:

Received by the CSU? CSU Reference

Completed by:

LGBT Relationship?

Category of Hate Crime

Race?

Faith/Religion/Belief? Religion Name:
 Homophobia?

Transphobia?

Disability?

Targeted because of Vulnerability?

Digital Evidence

Is there Body Worn Video content in this case? Y

Audio/Visual Content

#	AV Type	WtNo	Exhibit No	Evidential	Master	Link/66	Content shows
1	BWV Footage	251335		Y		[REDACTED]	Interaction and account from victim and friends
2	BWV Footage	256925		Y		[REDACTED] [REDACTED]j	Interaction with victim and friends

Data Protection Act - Dispose Of As Confidential Waste
PC RG GUERRA 1614AW 207028
CR:6564962/22 CrType:C Notifiable/MPS/Other:N-2 Status:U Press:N Class:S/Rape F O 15
GLU:CW
General Information

#	AV Type	WtNo	Exhibit No	Evidential	Master	Link/66 UoONI	Content shows
---	---------	------	------------	------------	--------	------------------	---------------

Location

OMPD?
Address:
Manette Cafe Bar,14-15,MANETTE STREET,
LONDON,W1D 4AP
Location Text:

GLU: CW Local Id: CW19 Grid Ref: 529811,181192
Watch Area:

Main

Location Type(s): JP Pub/Bar/Nightclub
Is the Venue covered by CCTV or in a CCTV Area? Y
CCTV Options: CE CCTV Not Recovered By Police

Approach:
Entry Method:
Entry Point:
Exit Point:
Security:
Person On Premises?
Other Info:

Internal Transfer

Date/Time	Transferred By	Previous GLU	Previous IU
-----------	----------------	--------------	-------------

Transfer From MPS

Transfer from Met To:-
Service:
Station:
Their Reference:

Received By:-
Rank:
Number:
Surname:

Details

VIW No: 1 Of: 6
Role(s): V

Total - Victims: 1
Total Witness: 3

CAIT Subject No:

Personal Details

Co/Public Body?

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Title: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

GLU:

Local ID:

GridRef:

National of 1:
Passport No 1:
National of 2:
Passport No 2:
Religion:

Address Details

VIW's Address is same as VEN?

Address:

[REDACTED]
[REDACTED]

[REDACTED] GridRef:
Home Intelligence Unit: OF OTHER FORCE

PCM: E

CNAA Reason:

Contact Details:

[REDACTED]
[REDACTED]
[REDACTED]

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**Victim/Informant/Witness
 Details**

Injury Details

Injury Degree: HD No Injury
 Injury Description:
 Description/Dress:

Vulnerable/intimidated Victim/Witness? N
 Reason for Vulnerability/Intimidation:

Victim Interviews

Interview Type	Date of Interview	Start Time	Location	Other Persons Present	Interviewing Officer	eStatement Ref No
----------------	-------------------	------------	----------	-----------------------	----------------------	-------------------

Actions

MG11 Taken?				Witness Albums Visited?	N
Victim of Reported Crime to Police in last 12 months?		N No			
Is V willing for VSS to be informed?		N No			
V Code of Practice Applicable?		Y			
		251335	PC GILLIGAN J		29/10/2022

Changed To	Entered By	Date
------------	------------	------

VCOP Actn Compl?		Y		
		227369	DC SONG H	10/11/2022
Fraud Cl'rup				Date:
NFRC				

Knows Suspect No.	How Known
-------------------	-----------

Aware of Suspect No.	How Victim or Witness aware of Arrest
----------------------	---------------------------------------

page 49

Knows Accused No. **How Known**

Needs

Does anyone perceive VIW to be Deaf and/or Disabled? N

If Yes, who? VIW/Other:

Details of Disability:

Physical Access Needs:

Personal Care Needs:

Medical Needs:

Communication Needs:

Sexual Orientation:

Gender Identity:

Officer's Notes:

[REDACTED]

Data Protection Act - Dispose Of As Confidential Waste
PC RG GUERRA 1614AW 207028
CR:6564962/22 CrType:C Notifiable/MPS/Other:N-2 Status:U Press:N Class:S/Rape F O 15 GLU:CW
Victims Code of Practice

VIW No: 1 Of: 6

VSS Info:

Local VSS Ref:

Language (If not English):

Victim Contacted by I.O?

Date/Time:

Action Taken	Action Date	Entered by	Generated	Date Generated
EB VSS Not Appropriate	01/11/2022	217653 PC FLEXMAN	R	
CN NL - Not Appropriate	01/11/2022	217653 PC FLEXMAN	R	

Remarks:

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Victim/Informant/Witness

Details

VIW No: 2 Of: 6
Role(s): W

Total - Victims: 1
Total Witness: 3

CAIT Subject No:

Personal Details

[REDACTED]

School or College:

GLU: Local ID: GridRef:
National of 1:
Passport No 1:
National of 2:
Passport No 2:
Religion:

Address Details

VIW's Address is same as VEN?

Address:

[REDACTED]

Home Intelligence Unit: [REDACTED] GridRef:
OF OTHER FORCE

PCM: E CNAAC Reason:

Contact Details:

Home: Business:

[REDACTED]

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**Victim/Informant/Witness
 Details**

Injury Details

Injury Degree:
 Injury Description:
 Description/Dress:

Vulnerable/intimidated Victim/Witness? N
 Reason for Vulnerability/Intimidation:

Victim Interviews

Interview Type	Date of Interview	Start Time	Location	Other Persons Present	Interviewing Officer	eStatement Ref No
-----------------------	--------------------------	-------------------	-----------------	------------------------------	-----------------------------	--------------------------

Actions

MG11 Taken?	Witness Albums Visited? N
Victim of Reported Crime to Police in last 12 months?	
Is V willing for VSS to be informed?	
V Code of Practice Applicable?	

Changed To	Entered By	Date
-------------------	-------------------	-------------

VCOP Actn Compl?

Fraud Cl'rup NFRC	Date:
----------------------	-------

Knows Suspect No.	How Known
--------------------------	------------------

Aware of Suspect No.	How Victim or Witness aware of Arrest
-----------------------------	--

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Data Protection Act - Dispose Of As Confidential Waste
PC RG GUERRA 1614AW 207028
CR:6564962/22 CrType:C Notifiable/MPS/Other:N-2 Status:U Press:N Class:S/Rape F O 15 GLU:CW
**Victim/Informant/Witness
Details**

Knows Accused No. How Known

Needs

Does anyone perceive VIW to be Deaf and/or Disabled? N

If Yes, who? VIW/Other:

Details of Disability:

Physical Access Needs:

Personal Care Needs:

Medical Needs:

Communication Needs:

Sexual Orientation:

Gender Identity:

Officer's Notes:

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Victim/Informant/Witness

Details

VIW No: 3 Of: 6
Role(s): W

Total - Victims: 1
Total Witness: 3

CAIT Subject No:

Personal Details

Co/Public Body?

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Title:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

School or College:

GLU:

Local ID:

GridRef:

National of 1:
Passport No 1:
National of 2:
Passport No 2:
Religion:

Address Details

VIW's Address is same as VEN?

Address:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PCM: E

CNAA Reason:

Contact Details:

Home:

[REDACTED]
[REDACTED]

Business:

[REDACTED]

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**Victim/Informant/Witness
 Details**

Injury Details

Injury Degree:
 Injury Description:
 Description/Dress:

Vulnerable/intimidated Victim/Witness? N
 Reason for Vulnerability/Intimidation:

Victim Interviews

Interview Type	Date of Interview	Start Time	Location	Other Persons Present	Interviewing Officer	eStatement Ref No
----------------	-------------------	------------	----------	-----------------------	----------------------	-------------------

Actions

MG11 Taken?	Witness Albums Visited?	N
Victim of Reported Crime to Police in last 12 months?		
Is V willing for VSS to be informed?		
V Code of Practice Applicable?		

Changed To	Entered By	Date
------------	------------	------

VCOP Actn Compl?

Fraud Cl'rup NFRC	Date:
----------------------	-------

Knows Suspect No.	How Known
-------------------	-----------

Aware of Suspect No.	How Victim or Witness aware of Arrest
----------------------	---------------------------------------

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Data Protection Act - Dispose Of As Confidential Waste
PC RG GUERRA 1614AW 207028
CR:6564962/22 CrType:C Notifiable/MPS/Other:N-2 Status:U Press:N Class:S/Rape F O 15 GLU:CW
**Victim/Informant/Witness
Details**

Knows Accused No. How Known

Needs

Does anyone perceive VIW to be Deaf and/or Disabled? N
If Yes, who? VIW/Other:

Details of Disability:

Physical Access Needs:

Personal Care Needs:

Medical Needs:

Communication Needs:

Sexual Orientation:
Gender Identity:

Officer's Notes:

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Victim/Informant/Witness

Details

VIW No: 4 Of: 6
Role(s): W

Total - Victims: 1
Total Witness: 3

CAIT Subject No:

Personal Details

Co/Public Body?

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Title:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

School or College:

GLU:

Local ID:

GridRef:

National of 1:
Passport No 1:
National of 2:
Passport No 2:
Religion:

Address Details

VIW's Address is same as VEN?

Address:

[REDACTED]
[REDACTED]
[REDACTED]

Home Intelligence Unit:

OF OTHER FORCE

PCM:

CNAA Reason:

Contact Details:

Home:

[REDACTED]
[REDACTED]

Business:

[REDACTED]

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**Victim/Informant/Witness
 Details**

Injury Details

Injury Degree:
 Injury Description:
 Description/Dress:

Vulnerable/intimidated Victim/Witness?
 Reason for Vulnerability/Intimidation:

Victim Interviews

Interview Type	Date of Interview	Start Time	Location	Other Persons Present	Interviewing Officer	eStatement Ref No
-----------------------	--------------------------	-------------------	-----------------	------------------------------	-----------------------------	--------------------------

Actions

MG11 Taken?	Witness Albums Visited?	N
Victim of Reported Crime to Police in last 12 months?		
Is V willing for VSS to be informed?		
V Code of Practice Applicable?		

Changed To	Entered By	Date
-------------------	-------------------	-------------

VCOP Actn Compl?

Fraud Cl'rup NFRC	Date:
----------------------	-------

Knows Suspect No.	How Known
--------------------------	------------------

Aware of Suspect No.	How Victim or Witness aware of Arrest
-----------------------------	--

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Data Protection Act - Dispose Of As Confidential Waste
PC RG GUERRA 1614AW 207028
CR:6564962/22 CrType:C Notifiable/MPS/Other:N-2 Status:U Press:N Class:S/Rape F O 15 GLU:CW
**Victim/Informant/Witness
Details**

Knows Accused No. How Known

Needs

Does anyone perceive VIW to be Deaf and/or Disabled?

If Yes, who? VIW/Other:

Details of Disability:

Physical Access Needs:

Personal Care Needs:

Medical Needs:

Communication Needs:

Sexual Orientation:

Gender Identity:

Officer's Notes:

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Victim/Informant/Witness

Details

VIW No: 5 Of: 6
Role(s): I

Total - Victims: 1
Total Witness: 3

CAIT Subject No:

Personal Details

Co/Public Body?

Title: MR

[REDACTED]

GLU:

Local ID:

GridRef:

National of 1:
Passport No 1:
National of 2:
Passport No 2:
Religion:

Address Details

VIW's Address is same as VEN? Y

Address:

[REDACTED]

Email:

Other:

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**Victim/Informant/Witness
 Details**

Injury Details

Injury Degree:
 Injury Description:
 Description/Dress:

Vulnerable/intimidated Victim/Witness?
 Reason for Vulnerability/Intimidation:

Victim Interviews

Interview Type	Date of Interview	Start Time	Location	Other Persons Present	Interviewing Officer	eStatement Ref No
-----------------------	--------------------------	-------------------	-----------------	------------------------------	-----------------------------	--------------------------

Actions

MG11 Taken?	Witness Albums Visited?	N
Victim of Reported Crime to Police in last 12 months?		
Is V willing for VSS to be informed?		
V Code of Practice Applicable?		

Changed To	Entered By	Date
-------------------	-------------------	-------------

VCOP Actn Compl?

Fraud Cl'rup NFRC	Date:
----------------------	-------

Knows Suspect No.	How Known
--------------------------	------------------

Aware of Suspect No.	How Victim or Witness aware of Arrest
-----------------------------	--

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Knows Accused No. **How Known**

Needs

Does anyone perceive VIW to be Deaf and/or Disabled?

If Yes, who? VIW/Other:

Details of Disability:

Physical Access Needs:

Personal Care Needs:

Medical Needs:

Communication Needs:

Sexual Orientation:

Gender Identity:

Officer's Notes:

Co owner of Bar

Victim/Informant/Witness

Details

VIW No: 6 Of: 6
Role(s): I

Total - Victims: 1
Total Witness: 3

CAIT Subject No:

Personal Details

Co/Public Body?

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Title: MR

Ethnic Appearance:
Occupation:
School or College:

Self Class Ethnicity:
Occupation relevant to offence: N

GLU: Local ID: GridRef:
National of 1:
Passport No 1:
National of 2:
Passport No 2:
Religion:

Address Details

VIW's Address is same as VEN? Y

Address:

[REDACTED]
[REDACTED]
[REDACTED]
Home Intelligence Unit: CW WESTMINSTER [REDACTED]

PCM: P CNAA Reason:

Contact Details:

Home: Business:
Mobile: 07447 909738 Other:
Email: rahimdjeboub@gmail.com

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**Victim/Informant/Witness
Details**

Injury Details

Injury Degree:
Injury Description:
Description/Dress:

Vulnerable/intimidated Victim/Witness?
Reason for Vulnerability/Intimidation:

Victim Interviews

Interview Type	Date of Interview	Start Time	Location	Other Persons Present	Interviewing Officer	eStatement Ref No
----------------	-------------------	------------	----------	-----------------------	----------------------	-------------------

Actions

MG11 Taken?	Witness Albums Visited?	N
Victim of Reported Crime to Police in last 12 months?		
Is V willing for VSS to be informed?		
V Code of Practice Applicable?		

Changed To	Entered By	Date
------------	------------	------

VCOP Actn Compl?

Fraud Cl'rup NFRC	Date:
----------------------	-------

Knows Suspect No.	How Known
-------------------	-----------

Aware of Suspect No.	How Victim or Witness aware of Arrest
----------------------	---------------------------------------

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Data Protection Act - Dispose Of As Confidential Waste
PC RG GUERRA 1614AW 207028
CR:6564962/22 CrType:C Notifiable/MPS/Other:N-2 Status:U Press:N Class:S/Rape F O 15 GLU:CW
**Victim/Informant/Witness
Details**

Knows Accused No. How Known

Needs

Does anyone perceive VIW to be Deaf and/or Disabled?

If Yes, who? VIW/Other:

Details of Disability:

Physical Access Needs:

Personal Care Needs:

Medical Needs:

Communication Needs:

Sexual Orientation:

Gender Identity:

Officer's Notes:

manager of bar

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Data Protection Act - Dispose Of As Confidential Waste
PC RG GUERRA 1614AW 207028
CR:6564962/22 CrType:C Notifiable/MPS/Other:N-2 Status:U Press:N Class:S/Rape F O 15 GLU:CW
Property Summary

Item No	Status	Property Type	Make	Model
----------------	---------------	----------------------	-------------	--------------

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Suspect Details

Suspect No: 1 Of: 1 Currently Eliminated? N

Possibly identical to
Suspect No(s):
CAIT Subject No:

Names

Case Class:
Surname Used:
Forenames Used:
PNC Surname:
PNC Forename:
Maiden Name:

Alias Surname

Alias Forenames

Nickname

Info Markers

Do you want to create an Accused record? Accused Created: Accused No: 0

PNC Status: P
CRO Result:
PNC Result:

Suspect considers they have a disability?
Disability Category:

Warning Signal Type On PNC?

Created by: PC 4624AW/251335 J GILLIGAN
Date/Time: 29/10/2022 06:01

Last Updated by:
Date/Time:

Personal Details

[REDACTED]

Nationality(2):
Passport No 1:
Passport No 2:

[REDACTED]

Religion:
Occupation:
School or College:

GLU:
Details of ID Docs:

Local ID:

Grid Ref:

Suspect Details

Personal Description

Hair

Desc: [REDACTED] Colour: [REDACTED] Texture:

Facial Hair

Type: Colour: Features: Eye Colour Left: Eye Colour Right:
Spectacles? Spectacles Type:
Eyebrows: Accent:
Voice: Build: BD [REDACTED]
Photo-Fit Ref:

Marks/Scars

Type/Position

Address

Suspect's Address is same as VEN ?

Address:

GLU: Local ID: Grid Ref:
Home Intelligence Unit:
Frequents:

Contact Details:

Home: Business:
Mobile: Other:
Email:

Known to Victim

VIW Knows Suspect? N

Known by VIW No How Known

Was the Victim or Witness aware the Suspect was arrested? N

VIW No. How Victim or Witness aware of arrest

Data Protection Act - Dispose Of As Confidential Waste
 PC RG GUERRA 1614AW 207028
 CR:6564962/22 CrType:C Notifiable/MPS/Other:N-2 Status:U Press:N Class:S/Rape F O 15 GLU:CW
Suspect Elimination

Suspect No: 1 Of: 1
 Currently Eliminated? N

Disposal

Circulate PNC?

Date Eliminated	Reason Eliminated	Method of Detection	How Suspect Notified	Date/Time Notified	Notified By:				
					Rank	Div/D Number	Warrant Number	Initials	Surname

Date of Arrest	Custody No	Result	Bail Return Date/Time	Station	Entered By:					Entered Date/Time
					Rank	Div/D Number	Warrant Number	Init's	Surname	

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Identifiable By

Identifiable By
 VIW No(s):

Circulation

Title	Date	Case No	Date Cancelled
--------------	-------------	----------------	-----------------------

Wanted Docket Ref No:
 ID by Witness Albums?
 Warrant Issued?
 Conditions:

Date Warrant Issued:

BWV Usage

Was BWV viewed prior to interview?

Reason not viewed:

Was BWV shown in interview?

Reason not shown:

Anticipated plea:

Did BWV assist this investigation?

Officer's Notes:

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Details of Investigation

29/10/2022 05:33

PC 251335 4624AW J GILLIGAN

Service Flag VR added

29/10/2022 07:10

PC 251335 4624AW J GILLIGAN

****BRIEF SUMMARY****

Victim has been approached by an unknown male in the toilet of a bar in Soho. The unknown male is alleged to have exposed himself before putting his penis in the victims mouth without her consent.

****FAST TRACK ACTIONS COMPLETED****

CAD 864/29OCT22

First Aid not required

Officers attending:

PC Gilligan 4624AW

PC Fordham 3745AW

PC Cook 2663AW

PC Coggins 1320AW

On Saturday 29th October 2022 whilst on patrol on Greek Street J/W Manette Street, Soho W1. Officers were approached by [REDACTED] who is the partner of victim [REDACTED] stating that a male had exposed himself to her in the female toilet at Café Bar Manette on Manette Street, W1. He summoned [REDACTED] over to speak with officers and it transpired very quickly that the allegation being made was one of oral rape.

[REDACTED] stated that she had been in the bar area with her partner and two friends when she went downstairs to the toilet. She described the toilet as being an open sink/wash area with one singular cubicle toilet. [REDACTED] said that as she has entered the sink area there was a male stood there and he has started talking to her and even offered her drugs which she refused. She said she thought it was odd that a male was stood there but when he offered drugs she assumed it was for that purpose or even that he was gay. She stated a female exited the toilet cubicle and then left the area. [REDACTED] has gone into the toilet cubicle and in her words has "closed the door" before sitting down on the toilet. She said at this point the unknown male who had been stood there has then pushed the door to the cubicle open before

Details of Investigation

29/10/2022 07:10

PC 251335 4624AW J GILLIGAN

pushing his way in. [REDACTED] said the male was exposed as he came into the cubicle with his penis out and that she has gone to stand up and leave but the male has pushed towards her and put his penis in her mouth. [REDACTED] has pulled away and left the cubicle before going upstairs and going back to her friends. She stated that he did not touch her and that it was only his [REDACTED] that made contact with her but that she did push him back as she tried to stand up to get him away from her, she is not sure whether or not she made contact with his skin or if it was just his clothing.

The unknown male is alleged to have come back upstairs to the bar area and hung around for a short while with an unknown group towards the back area of the bar. [REDACTED] and her friends have spoken to bar staff to report what has happened and as they have gone to point out the male he is nowhere to be seen. After a few minutes of looking around the male has been found outside of the venue and when [REDACTED] has pointed him out to staff the unknown male has pointed at another random member of public saying that is who you are looking for not me in what is described as a nonchalant manner.

[REDACTED] described the bar staff as almost having a familiarity with the male and being shocked by her pointing him out as being the suspect as if they were known to one another. This is not confirmed as to whether they do or not however they strongly felt this was the case.

The unknown male has allegedly hung around Manette Street for the next 15-20 minutes. He is alleged to have stood at the junction of James Court opposite the scaffolding that is currently

Details of Investigation

29/10/2022 07:10

PC 251335 4624AW J GILLIGAN

in place, before the victim and her friends lost sight of him.

When asked what time this incident has occurred the times of 0130 and 0200 hours were given. The incident was not reported to officers until approximately 0245 hours as they were hoping to run into officers on the street as opposed to calling the police to report it

****VICTIM/PRIMARY WITNESS****

Victim account can be seen as detailed above.

****WITNESS ENQUIRIES AND ACCOUNTS****

The victim was out with her partner and two friends. They were in the upstairs bar area when the incident is alleged to have happened in the downstairs toilet. All three of them did see the male afterwards as [REDACTED] was looking for him and trying to let staff know what had happened and all gave correlating versions of the males description as well as the fact that the bar staff appeared familiar with him.

****SCENE MANAGEMENT****

This incident has taken place at Café Bar Manette on Manette Street in Soho, W1. The incident itself is alleged to have taken place downstairs in the toilet area. The toilet itself is described as being a single cubicle outside of which is an open area with a sink that leads off to the downstairs bar area.

The bar itself is fairly small and to get to the downstairs area you have to go down a singular set of stairs that are located at the back of the venue.

The Bar is on Manette Street which is a small cut through road between Greek Street and Charing Cross Road.

****PHYSICAL EVIDENCE INCLUDING FORENSICS****

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

29/10/2022 07:10

PC 251335 4624AW J GILLIGAN

0443 hours

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

All placed into a D bag and placed on self 1.

****LOCAL ENQUIRIES AND SEARCH OF AREA****

Sapphire have been made aware of the incident. DC Nigel Piquette P250283 appraised. They have attended the scene as a crime scene was put into place in the toilet area and is currently still in place awaiting SOCO arrival to take photographs of the scene.

Details of Investigation

Simmons bar located directly next door has been checked for CCTV some of which has been seized by Sapphire as it captures some of the movements of the suspect outside on the street itself.

****CCTV AND DIGITAL EVIDENCE****

CCTV from inside the venue itself: There is one camera on the main floor bar area and one camera located in the downstairs area however there is not camera in the toilet area itself. Staff were unable to download or access any CCTV at the time of Police attendance so will need to be enquired with.

CCTV from outside of Simmons bar next door has been seized by officers from Sapphire which captures some of the movements from the suspect who approaches the bar from the Greek Street end of Manette Street.

In the area that the suspect is alleged to have hung around in after at the junction of

29/10/2022 07:10

PC 251335 4624AW J GILLIGAN

James court there is a CCTV camera directly opposite on the scaffolding that is located next to number 6 Manette Street. The company name on the scaffolding is S W CHELSEA CONSTRUCTION.

****SUSPECT ENQUIRIES****

Suspect is unknown to the victim and her friends and is described as follows:

[REDACTED]

****OTHER ENQUIRIES****

N/A

****RISK FRAMEWORK AND ASSESSMENT****

-Threat-

Parties are unknown to one another and appears to be an isolated incident between the two

-Harm-

Harm has been caused by the nature of the offence being oral rape

-Risk-

Male is unknown and still outstanding therefore there is a risk of a repeat incident perhaps with another victim

-Investigation-

Investigation is ongoing and further lines of enquiry now sit with Sapphire unit. Scene awaits SOCO arrival for photographs. Victim has been contacted by SOIT officer and will be contacted again at 9am for arrangement of HAVEN visit

-Vulnerability-

Victim is naturally very shaken by the incident and is being supported by Sapphire and SOIT moving forward with arrangements being made for a visit to the HAVEN

-Escalation-

Sapphire aware of further investigation

-Prevention-

Everything has been explained to victim at all stages of investigation so far and will continue to do so moving forward

-Intervention-

HAVEN to be arranged

****SOLVABILITY ASSESSMENT****

Details of Investigation

I have considered the reasonable lines of enquiry that are relevant and proportionate to this investigation and it is my

29/10/2022 07:10

PC 251335 4624AW J GILLIGAN

decision that there are further actions required.
The rationale for my decision is -
further work is required on this report as detailed above
I have informed the victim of my decision.
The victim is expecting
further contact from investigating officers
Home office outcome code
Investigation ongoing

29/10/2022 07:10

PC 251335 4624AW J GILLIGAN

See above input

=====

Auto-generated: The above THRIVE assessment covers the following newly triggered THRIVE events; and/or existing outstanding deferred/overdue assessments

Event: Updating Officer (Date / Time)
Crime Report Creation: 251335 PC 4624AW J GILLIGAN (29/10/2022 05:33:34)

29/10/2022 07:13

PC 251335 4624AW J GILLIGAN

To clarify on point made above. When unknown male is alleged to have put his penis in [REDACTED] mouth she stated that he has not at any point ejaculated and that she did not throw up or bring up any fluids after the incident.
Between the incident happening and making contact with the police and doing the EEK and elimination DNA swabs [REDACTED] had consumed half a glass of Red wine.

[REDACTED]
[REDACTED]

Opened at 0435 hours at CX Police station

29/10/2022 09:57

PC 221488 1880AW CA HARTWELL

Input on behalf of PC Cook

Signed and given to PC COOK P256925 from VIW4 [REDACTED]. Officers brought back victim and all witnesses/friends to CHARING CROSS. All parties involved have had a large quantity of alcohol and were not suitable to provide a statement.

PC COOK advised when they get home to make a quick note in their phone for their own memory as we will obtain a statement from them at a later point. VIW4 then stated he wanted to make a note now where when provided

Details of Investigation

29/10/2022 09:57

PC 221488 1880AW CA HARTWELL

paper and left with the note he stated he wanted to give it to police now. PC COOK has taken this and passed this to the Sapphire unit.

Typed out note:

"At bar no memory of it

█ went to go to toilet and check for dance floor

Came back few minutes later 3 – 8 minutes

Upset said man had exposed his genitals to her

█ said this to bar staff

They and █ went downstairs to find person

Person was not downstairs they (█ and staff) then went to identify him outside the bar

"He" and friends came in with █ and staff members

█ pointed to person saying its you

Person description:
██

29/10/2022 10:14

PC 221488 1880AW CA HARTWELL

SOIT Entry

On Saturday 29/10 at 0900 hours I have called █ and introduced myself and my role as a SOIT. I have spoken to her about the Haven and she is at the moment undecided. I have also explained an interview but she would like to speak with her partner. I have arranged to call her back at 1030 hours

29/10/2022 11:14

PC 221488 1880AW CA HARTWELL

I have now called ████████████████████████████████. Voicemail has been left and text message also sent

29/10/2022 12:44

DC 227369 2671AW H SONG

11/11/2022 11:54

Details of Investigation

Supervision

TDC Benjamin DAVIES has listened to the allegation on BWV:

Uninterrupted First Account: I went into this bar, I can't remember what it's called, we went in and ordered a drink. I said I needed the toilet so I went downstairs, there was a guy in there, if I'm really honest I thought he was gay. So I went in and I went to the toilet, he turned around and has his dick out and he waved it in front of me, and he pushed it in my mouth. Then I was just like 'No' and I said 'my boyfriend is upstairs'. He did then move away

29/10/2022 12:44

DC 227369 2671AW H SONG

a bit and I was like I just need to get out of here. So I sorted myself out and just got out of there as quick as I could.

Officer Q. Sorry to be vulgar and go over it but did it go all the way in your mouth or was it just at your mouth?

Victim A. Shakes head and says 'it was just here' and indicates towards her lips.

Officer Q. Is it a communal toilet or female?

Victim A. Female. I have to be honest he was already there and he was offering drugs and stuff.

Officer Q. Where was he stood?

Victim A. By the sinks

Officer Q. Was he is on own?

Victim A. Yes, someone else came out first, but it all seemed normal.

Victim further account: I went in and closed the door, then he just like opened the door and said what do you want and I said 'I don't want anything'. But he just persisted and I said 'I don't'. Then I just needed to get out.

Officer Q. So when he has come into the cubicle, was he already exposed?

Victim A. Yes.

Officer Q. So you've stood up and tried to leave, has he touched you in any way?

Victim A. he didn't touch me in any way but he forced himself. He just like that, he was just there. Then I just forced my way out. I can't even remember what happened but I just did my things up and got out of there as quick as I could.

29/10/2022 13:07

DC 258738 B DAVIES

NON-OIC ENTRY

** CCTV **

CCTV from Simmons Bar, Manette Street, has been booked in at Charing Cross Property Store.

Exhibit Number: EWM/01

██████████
██████████

Details of Investigation

29/10/2022 13:13

PC 221488 1880AW CA HARTWELL

SOIT entry

At about 1200 hours I received a call from [REDACTED] said that she had missed my calls as she had been sleeping. [REDACTED] does not want to proceed with an investigation and

29/10/2022 13:13

PC 221488 1880AW CA HARTWELL

has said that she wants to enjoy what is left of her weekend.

I have explained that this report will now be closed and what this means. [REDACTED]
[REDACTED]

29/10/2022 13:17

PC 221488 1880AW CA HARTWELL

Branch Flag IO added

29/10/2022 14:34

SCENE EX 740899 J BANKS

SOCO Text:

Examination Report No. 1992910221155.

I attended the scene to complete scene photography as requested by ADS Song.
Whilst on scene I took a total of forty-five (45) photographs.

- Scene photography completed.
- Working DVD has been sent to IPT at Lambeth.
- The master DVD has been Sent to ADS Song at CX
- CDs from volume crime must be retained for a minimum of 7 years, and for serious crime for a minimum of 30.
- Photographic albums should only be requested if absolutely necessary and NOT automatically on receipt of this note.
- If albums are required please complete Form 4815D and e-mail to 'CSE Repeat order requests - SCD4'. Allow a minimum of 21 days for delivery – FP Banks, Examination Report No. [REDACTED]

30/10/2022 20:07

DC 227369 2671AW H SONG

OIC Changed

11/11/2022 11:54

30/10/2022 20:17

DC 227369 2671AW H SONG

1. Introduction:

I am Henh Ban SONG, attached to Sapphire AW Team 1. I am reviewing this matter to determine whether there is sufficient evidence for the case to be referred to CPS RASSO Unit for charging.

2. Documentation

In reviewing this case I have applied the full code test as set out in the Director's Guidance on Charging 5th Edition.

3. Evidence

In order to review this case I have seen the following information/evidence:

- CRIS 6564962/22

- I am satisfied that all reasonable lines of enquiry have been pursued.

4. Decision

This case does not

Details of Investigation

30/10/2022 20:17

DC 227369 2671AW H SONG

meet the full code test.

5. Rationale

Victim and her partner have gone on a night out at venue on Saturday 29th October 2022.

At 01:30 hours, Victim goes to use the toilet and finds the suspect there.

She sees two women exit the toilet on the left and thinks it's okay to use. She sees the suspect in the toilet area and she thought he was offering drugs but he didn't offer her drugs. He is by the sink area. He has exposed his penis to her. She was shocked by this and pushed him away.

She goes into the toilet but doesn't close the door latch as she was desperate. The suspect comes into the toilet and comes at her with his willy towards her mouth and forced his penis in her mouth but has not touched her anywhere else.

There is some CCTV outside the venue which places the victim, her partner and the suspect in the vicinity. There is no CCTV that captures the offence as the toilets do not have cameras installed.

The victim has since stated that she wishes to withdraw from the investigation and has NOT provided an account on a VRI. Her partner has not made any representations to give a statement to police.

There is insufficient evidence to meet the full code test.

Strengths:

None

Weaknesses:

- The account given by the victim of non-consensual oral penetration does not seem plausible because the suspect did not use any force to place his penis in her mouth.
 - Victim has not provided a VRI.
 - The victim has withdrawn from this investigation.
 - No CCTV capturing the offence
 - No witnesses who saw the alleged offence taking place so the matter is a "he said she said" case.
- All reasonable lines of

30/10/2022 20:17

DC 227369 2671AW H SONG

enquiry have been exhausted, and there is insufficient evidence to take this allegation any further.

6. Victim informed:

The victim has withdrawn from this investigation.

7. Risk Assessment

The suspect is unknown so it is not possible to conduct a comprehensive risk assessment on him. The fact that the suspect hung around outside the venue at MANETTE STREET after committing the alleged offence is unusual.

RASSO investigations are victim-led so unless VIW1 changes her mind, this report is now closed.

30/10/2022 20:32

DC 227369 2671AW H SONG

OUTCOME CODE 14

Evidential difficulties victim based – named suspect not identified – The crime is confirmed but the victim declines or is unable to support further police action to identify the offender.

31/10/2022 19:48

PC 207700 3282AW AL ELLIOTT

Noted by WESTMINSTER POLICE LICENSING TEAM checks on the premises identify venue as at 16 MANETTE STREET LONDON W1D 4AR. Check on Current Licence 21/04707/LIPN shows the opening hours of the premises as MONDAY to SUNDAY 07:00 - 23:00 which does not tally with the time line provided by Victim. Equally no TEMPORARY EVENT NOTICES were granted to the premises for the material time of the offence. Email will be sent to OIC to confirm if these premises were operating outside of the Conditions of their Current License as if this is the case they may be taken to Review..

01/11/2022 10:58

PC 217653 159RY R FLEXMAN

Screened In

11/11/2022 11:54

01/11/2022 10:58

PC 217653 159RY R FLEXMAN

Classification confirmed

01/11/2022 10:59

PC 217653 159RY R FLEXMAN

Branch Flag SA added

01/11/2022 10:59

PC 217653 159RY R FLEXMAN

Branch Flag SX added

01/11/2022 10:59

PC 217653 159RY R FLEXMAN

Service Flag SX added

10/11/2022 13:28

DS 200811 1463AW TG SHEA

DS Supervision.

ADS SONG to notify DCI SMITHSON in relation to Red RAG grading on this report.

SO Pages to be completed.

VCOP to be updated and completed.

Response to AW Licencing in relation to any possible breach of

11/11/2022 11:54

10/11/2022 13:28

DS 200811 1463AW TG SHEA

conditions in relation to their opening and serving hours.

Once the above has been completed and I will review the original grading I will complete my closing report prior to DCI SMITHSON placing a review on the report that he is satisfied no further investigation is required.

Public Representations received in support of the review

[REDACTED]
Received: 22 Nov 2022

SUPPORT

Please review the licence of the above establishment. The number of complaints I have given the owner and nothing been done about it is awful. Now reading about the incident we need to ensure everyone is safe whilst out, and clearly the establishment don't seem to care.

[REDACTED]
Received: 18 Nov 2022

Support

I object to the licence due to the number of issues previously and the information listed on the blue notice on the building door currently.

WE need to feel safe in this area. We have enough on going issues in this area at the moment and people need to feel safe when they go out and for the owners of the establishments to deal with the relevant issues when they arise during the opening hours.

Further submission received from the interested party on 22 November 2022:

I support the review of the licence. Hearing what happened we need to ensure our women are safe at all times.

The premises need to ensure all customers are looked after and that they have a duty of care to all. Currently, this is not happening. various complaints about noise after the permitted establishment hours, mess left outside the premises, and no respect for the neighbours or residents [REDACTED].

[REDACTED]
Received: 22 Nov 2022

SUPPORT

I support the licence review. This establishment is well known for out of hours serving drinks to customers and leaving a mess around the neighbourhood (being glasses, Bottles ect)

When intoxicated people leave the premises they use the streets as a toilet, and you can smell the urine the next day.

This establishment has no consideration for the local residents.

Received: 23 Nov 2022
SUPPORT

and as such would support the application by the Police for the revocation of this licence. It is quite clear that these premises are extremely poorly run, and do not promote any of the licensing objectives.

The premises fall within an area, which is clearly a magnet for crime and disorder. Manette Street and Greek Street (into which Manette Street leads) have a large number of late night licences (some up to 3 am and beyond) and Greek Street has probably the highest crime rate in Soho (which is of course in the Cumulative Impact Zone).

As this premises has, as I understand it from reading the papers and the decision of the earlier hearing, breached a large number of its conditions, it is quite clear that neither the owner nor the DPS are suitable to hold a licence and/or run licensed premises. Therefore, I would support a revocation of the licence should in its entirety.

If I can be of any further assistance, please let me know.

Received: 22 Nov 2022
SUPPORT

I support the licensing review. I hope the council and the police take action against this establishment. WE have suffered over the last year with drunk people, shouting and screaming at 0300 in the morning.

Received: 17 Nov 2022
SUPPORT

is the Amenity Society for the area to the East of Charing Cross Road opposite the end of Manette Street and are therefore concerned about any activities which may harm the Licensing Objectives in our area, even if the premises is outside it.

This is a Review Application following a serious sexual assault at a premises on Manette Street. The premises are licensed to operate until 23:00 and the sale of alcohol is restricted to people seated and taking a table meal. The incident occurred at a time when the premises should have been closed and as stated by the Police there were a substantial number of breaches of the Licensing Conditions.

We accept that in some cases a licence condition may be breached inadvertently or because of a lack of training of new staff. However it seems clear to us that, in this case, the Licence Holder had made no attempt to comply with the terms of the licence.

If the premises had been operated in accordance with its conditions the assault which caused the review would not have occurred and the operation would be unlikely to harm the Licensing Objectives. This is the basis on which the licence was granted.

Given the clear and deliberate breach of the Licence the [REDACTED] believes that the Licence should now be revoked entirely. We also believe that the DPS and the Licence Holder should be prosecuted and barred from operating a Licensed Premise in the future. We do not have any confidence that a similar incident would not occur.

We would also like to understand how a premises can operate for several hours after its licence permits in an area with both Police and Council City Inspectors patrolling regularly and only be discovered when a serious assault has taken place. We wonder how many more similar establishments there are in the area.

[REDACTED]
Received: 24 Nov 2022
SUPPORT

[REDACTED] is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

We write in support of the Metropolitan Police's review of these premises following a serious sexual assault on 29th October. The premises were found to be operating well beyond their licensed hours of 11pm, the police report confirms twenty people were present at 2.45am. They were also in breach of 16 conditions including the supply of alcohol restricted to people seated and taking a substantial table meal, this is unsurprising considering the police found no kitchen facilities on site.

[REDACTED] did not object to the original licence application (21/04707/LIPN) where it was presented as a café with music and the spoken word, however, this changed at the Sub-Committee hearing with the applicant stating it to be an Italian restaurant selling pizza and pasta. This last minute change to the operation of premises presents a real problem for amenity groups and residents who may not object to find the application is completely different on the day of the hearing. The Licensing Committee granted the application persuaded it was a unique restaurant offering something different, they were confident based on the undertakings given by the applicant that he would be a responsible operator, this is not the case. It now transpires these premises have been operating as a drinking establishment late into the night and for how long we do not know. It is disappointing it was able to function with multiple breaches of the licence and failed to come to the attention of the City Inspectors, EHCT and the Police until this assault.

The Licence Holder / DPS has shown a blatant disregard of the licensing hours and conditions which has resulted in a serious sexual assault, and in so doing has failed to promote the licensing objectives of the prevention of crime and disorder and maintaining public safety.

We ask the Committee to show that they will take decisive action on premises which trade beyond their hours and / or breach their conditions, and in so doing send a message to all other premises not abiding to their licensing hours and conditions that they will be severely punished.

We request this licence be revoked and for the Council to consider prosecution of the Licence Holder / Designated Premises Supervisor.

Responsible Authorities representation

Environmental Health Service Representation received 21st November 2022 in support of the application:

I refer to the application for review of the Premises Licence.

The review is being taken by Metropolitan Police Service on the 'Prevention of crime and disorder licensing objectives due to the premises not promoting the licensing objectives. The desired outcome is revocation of the premises licence.

Environmental Health will be supporting the review application and a witness statement will be submitted at a later date.

Appendix 5

**ENVIRONMENTAL HEALTH SUPPORTING DOCUMENTS - THIS PAGE IS LEFT
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STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Statement of: Maxwell Owusu Koduah
Age of witness: Over 18
Occupation of Witness: Environmental Health Officer

Address: Public Protection and Licensing
Westminster City Hall, 15th Floor
64 Victoria Street
LONDON SW1E 6QP

This statement, consisting of three 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 in it anything which I know to be false, or do not believe to be true.

Signed: **Dated:** 23rd November 2022

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

1. I am an Environmental Health Officer employed by the Westminster City Council within the Public Protection and Licensing department since September 2015. I hold a master's degree in Environmental Health. I am a registered member of the Chartered Institute of Environmental Health since January 2012. My role as Environmental Health Officer involves reviewing applications made under the Act 2003 and making representations as a statutory consultee. In doing so, I am guided by the council's Statement of Licensing Policy which came into force in October 2021.
2. I was consulted on 14th May 2021, regarding an application ref. 21/04707/LIPN for the following licensable activities in respect of 16 Manette Street:
 - Performance of live music indoors Monday to Sunday from 09:00 – 23:59 hours
 - Playing of recorded music indoors Monday to Sunday from 09:00 – 23:59 hours
 - Supply of alcohol for consumption "On" the premises Monday to Sunday from 11:00 – 22:30 hours
3. On 2nd June 2021, I made a representation and proposed conditions to form part of the operating schedule. My representation, proposed conditions and follow-on discussions about the application was had with Mr Brian Kavanagh who was named as applicant, manager and contact person.

 23/11/2022

4. Though Mr Brian Kavanagh accepted my proposed conditions, I maintained my representation for two reasons:
 - I. The hours sought were outside the core hours and therefore the application had to be determined on its merit
 - II. The premises is located within the West End Cumulative Impact Zone and the policy presumption is for all new applications to be refused
5. I produce a copy of my representation as exhibit MOK001, and a copy of my proposed conditions as exhibit MOK002
6. The application was determined by a Licencing Sub-committee on 23rd September 2021 in a virtual hearing chaired by Clr Jim Glen.
7. As at the hearing, I advised the committee that I had not been able to visit and assess the premises as there were ongoing works. The committee granted the application and maintained two works conditions. These works conditions were to remain and be discharged once I have had the opportunity to visit and assess the premiss. For ease of reference, the works conditions are:

Condition 24

No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined, not to exceed 40, excluding staff

Condition 25

No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority

8. After the hearing, I advised Mr Brian Kavanagh to contact me when works at the premises were completed so a visit can be arranged to assess the premises and agree a capacity.
9. I never hard heard from Mr Brian Kavanagh since 23rd September 2021.
10. Following an email received from Sally Fabbicatore (Senior Practitioner for the Environmental Health Consultation Team), I contacted Mr Brian Kavanagh the same say on 11th November 2022 to find out if works at the premises had been completed. At the time, I was unaware of a decision by the police to bring

 23/11/2022

a review action against the premises. During my telephone conversation, Mr Brian Kavanagh informed me that his association with the premises ceased in December 2021. Mr Brian Kavanagh advised that I direct all my concerns about the premises to one Mr Kevin Kavanagh. I produce a copy of my email correspondence regarding my engagement with Mr. Brian Kavanagh as exhibit MOK003

11. As at 11th November 2022 when I contacted Mr Brian Kavanagh, the premises had not been assessed and therefore the two works conditions referenced in number 7 above remained and therefore the licence was yet to come into force.

 23/11/2022

MK001

CITY OF WESTMINSTER

MEMORANDUM

TO	Ms Ola Ajose-Adeogun
REFERENCE	21/04707/LIPN
FROM	EH Consultation Team
REFERENCE	21/020558/EHCT
BEING DEALT WITH BY	Maxwell Owusu Koduah
TELEPHONE EXT	07971920558
DATE	2 June 2021

Basement And Ground Floor, 16 Manette Street, London, W1D 4AR

I refer to the new premise licence application for the above-mentioned premises. The premises is located within the West End Cumulative Impact Area. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed variation in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2021.

The applicant is seeking the following licensable activities:

1. Performance of live music indoors Monday to Sunday from 09:00 – 23:59 hours
2. Playing of recorded music indoors Monday to Sunday from 09:00 – 23:59 hours
3. Supply of alcohol for consumption "On" the premises Monday to Sunday from 11:00 – 22:30 hours

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

1. The hours requested to perform live music have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area
2. The hours requested to play recorded music have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area
3. The supply of alcohol and hours requested to supply alcohol have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area

MK002

Application reference: 21/04707/LIPN

Premises: Basement And Ground Floor
16 Manette Street
London
W1D 4AR

2 June 2021

Proposed Environmental Health Conditions to replace those contained within the operating schedule

1. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:
 - a. the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
 - b. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,
 - c. The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,
 - d. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and
 - e. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
2. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
4. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
5. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
6. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day
8. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day
9. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
10. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table

MK002

11. The supply of alcohol shall be by waiter or waitress service only
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
13. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
14. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
15. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them
16. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
17. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
18. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority

MK003

Koduah, Maxwell: WCC

From: Koduah, Maxwell: WCC
Sent: 11 November 2022 13:57
To: Fabbriatore, Sally: WCC; Guerra, Reaz: WCC; Watson, Ian: WCC; Morgan, Dave: WCC; Brian Kavanagh
Cc: MULDOON, STEVE: WCC
Subject: RE: 21/04707/LIPN - 16 Manette Street

Hi Sally

I have finally spoken to Brian Kavanagh, copied in. According to him, he has not been associated with the Premises since December 2021 and has ceased being the DPS.

So currently, the lic is yet to come into force because of 2 works conditions and the fact that there is no DPS. He has directed that all queries be directed to one Kevin Kavanagh.

I have copied Brian into this email to offer him the opportunity to put on record, his current association with the premises.

Brian – please respond, in writing, what you told me over the phone.

Kind regards

Maxwell
Maxwell Owusu Koduah MSc, MCIEH
Environmental Health Officer
Regulatory Support Team 2
Public Protection and Licensing
Westminster City Council
City Hall 15th Floor West
64 Victoria Street
London
SW1E 6QP

Tel: 07971920558
Email: mkoduah@westminster.gov.uk
Web: www.westminster.gov.uk



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From: Fabbriatore, Sally: WCC <sfabbriatore@westminster.gov.uk>
Sent: 11 November 2022 12:22
To: Guerra, Reaz: WCC <rguerra@westminster.gov.uk>; Watson, Ian: WCC <iwatson@westminster.gov.uk>; Drayan,

414
Anil: WCC <adrayan@westminster.gov.uk>; Morgan, Dave: WCC <dmorgan@westminster.gov.uk>; Koduah, Maxwell: WCC <mkoduah@westminster.gov.uk>
Cc: MULDOON, STEVE: WCC <SMULDOON1@westminster.gov.uk>
Subject: RE: 21/04707/LIPN - 16 Manette Street

Hi Maxwell

This was your case, are you able to confirm please, it doesn't look the works have been cleared according to uniform.

Thanks

Sally

From: Guerra, Reaz: WCC <rguerra@westminster.gov.uk>

Sent: 10 November 2022 14:22

To: Watson, Ian: WCC <iwatson@westminster.gov.uk>; Drayan, Anil: WCC <adrayan@westminster.gov.uk>; Fabbriatore, Sally: WCC <sfabbriatore@westminster.gov.uk>; Morgan, Dave: WCC <dmorgan@westminster.gov.uk>; Koduah, Maxwell: WCC <mkoduah@westminster.gov.uk>

Cc: MULDOON, STEVE: WCC <SMULDOON1@westminster.gov.uk>

Subject: 21/04707/LIPN - 16 Manette Street

Hello All

Is anyone able to check if this premises was visited and assessed following the grant of the licence, as it still has the works conditions on the licence?

Thanks

Reaz

PC Reaz Guerra 1614AW

Westminster Police Licensing Team

Westminster City Hall

64 Victoria Street

London SW1E 6QP

0207 641 1705

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. (1)

INTERIM STEPS DECISION

Tuesday 15 November 2022

Membership: Councillor Aziz Toki (Chairman) Councillor Iman Less and
Councillor Caroline Sargent

**Expedited Review of a Premises Licence in respect of The Manette Café and Bar
Basement and Ground Floor 16 Manette Street London W1D 4AR (“The Premises”)**

The Metropolitan Police Service (“Police”) submitted an application for a Summary Review of the above Premises pursuant to Section 53A of the Licensing Act 2003 (“the Act”) on 11 November 2022 as the Police considered the Premises were associated with serious crime. The Premises Licence Holder (“PLH”) of the Premises is Mr Brian Kavanagh.

The full review of the Premises will take place within 28 days of the date the application was made, being 8 December 2022. However, the purpose of today’s hearing is for the Sub-Committee to determine whether it is necessary to take any interim steps pending the determination of the full review.

Applicant

Mr Brian Kavanagh and Designated Premises Supervisor

Persons attending the hearing

For the Police:

Mr James Rankin Counsel of Francis Taylor Building
PC Reaz Guerra
PC Steve Muldoon

For the Premises Licence Holder

Not present

Officers present:

Presenting Officer - Jessica Donovan
Legal Adviser - Horatio Chance;
Committee Officer - Jack Robinson-Young

Activities and Hours

The Premises operates as a Café and Bar and is permitted to allow the sale by retail of alcohol for the following hours: -

Playing of Recorded Music

Monday to Sunday 09:00 to 00:00

Sale by Retail of Alcohol (On Sales)

Monday to Sunday 11:00 to 22:30

Seasonal Variation/Non-Standard Timings: None

Hours premises are open to the public

Monday to Sunday 07:00 to 23:00

Preliminary Matters:

1. The Chairman introduced the Members of the Sub-Committee and outlined the procedure to the Parties in attendance. The Members confirmed that they had no declarations of interest to make.
2. The Chairman noted that the committee agenda consisted of the application for summary review, the existing Licence of the Premises and the supporting statements of the Police which had been served and circulated previously to all Parties which included Mr Brian Kavanagh as DPS, who did not attend the hearing, so he was unable to defend the application for interim steps.
3. Ms Jessica Donovan, the Presenting Officer outlined the application to the Sub-Committee. She advised that prior to the hearing, she had tried to arrange for Mr Brian Kavanagh the PLH to be present. When Mr Brian Kavanagh said he was unable to attend, she explained that a representative could appear on behalf of the Premises either in person or virtually.
4. Mr Kevin Kavanagh understood to be the Owner of the Premises and brother of the PLH gave details of a "property manager" and asked Ms Donovan to contact them. Upon contacting the property manager, a lady confirmed she would be willing to speak on behalf on the Premises and would appear before the Sub-Committee virtually. However, as the PLH and the DPS was Mr Brian Kavanagh and not Mr Kevin Kavanagh, actual consent was required from Mr Brian Kavanagh as the person responsible for the daily running of the Premises.
5. Ms Donovan advised that after speaking with Mr Brian Kavanagh minutes before the start of the hearing he did not consent to the property manager or anyone else for that matter appearing on behalf of the Premises.

Decision as to whether to proceed in the absence of the PLH

6. The Sub-Committee recognised that there is no requirement for the PLH to attend the interim steps hearing. The Sub-Committee noted that the PLH had been invited to attend the hearing. Moreover, The PLH had been contacted by Ms

Donovan, the Presenting Officer and he was aware the hearing was taking place and he refused to allow anyone else to speak on his behalf and the Sub-Committee decided that it was appropriate to proceed in the absence of the PLH with the interim steps hearing as the Licensing Authority is obliged by the Act to consider whether any interim steps should be taken within 48 hours of the review application being made.

7. The Sub-Committee was mindful that the expedited review was requested by the Police as a result of a serious sexual assault incident which it alleged took place inside the Premises on 29 October and so the Sub-Committee heard the expedited review brought by the Police in the absence of any representative attending from the Premises albeit a late start of the hearing due to the above events.
8. In determining this hearing, the Sub-Committee may take such interim steps as it considered were necessary to address the immediate problems with the Premises and the likelihood of serious crime and serious disorder occurring pending the full review, namely: -
 - (a) modify the conditions of the premises licence;
 - (b) to exclude the sale by retail of alcohol from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence;
 - (e) to take no action.

Submissions by the Police

9. Mr James Rankin, Counsel for the Police, began by explaining the serious nature of the crime that had been committed and stated that this was a café, operating as a bar. Between the early hours of the 29 October, a lady entered the basement of the Premises to go to the toilet.
10. While on her way there, a gentleman offered her illegal drugs and she declined, then going into the toilet. The gentleman followed her, exposed himself to her (full genitals) and she fled the basement. Reuniting with her friend, they approached staff members to explain what had happened, but the Police at this point were not called. When the Police did arrive, officers were blocked from entering the Premises. The officers found the bar to be full, with some 20 people inside at 02:45, around four hours after their licensable hours ended.
11. The Police were obstructed from entering the Premises initially but made their way through and sealed off the bathroom where the incident had occurred, they also tried to attain CCTV footage from the inside of the Premises but were told this did not work. However, Officers were able to find CCTV from a nearby different premises which showed the outside of the Manette Café and Bar.
12. Mr Rankin advised that the victim was drunk, to the point she was unable to give a statement, as was her friend. The victim does not wish to pursue the allegation, which is not uncommon, but this does not mean the allegation is any less serious. Turning to the Premises Licence itself, Mr Rankin advised that of the conditions on the licence, 14 were being breached and it was clear these

conditions had been routinely breached for some time. If you take the evening in question into consideration, it is also clear the Premises operated well beyond their licensable hours and their registered DPS was not present. These additional licence breaches take the total to 16 breached conditions.

13. Mr Rankin stated that Mr Kevin Kavanagh did attempt to surrender the licence, but it is under his brother, Mr Brian Kavanagh's name. In any event because of section 50 under the Act there is a mechanism whereby the Premises Licence can be resurrected. Mr Kevin Kavanagh is the owner but not the registered DPS, neither of these gentlemen were there on the night.
14. Mr Rankin advised that for a period of around 9 months the Manette Café and Bar has been selling alcohol without Mr Brian Kavanagh there as the registered DPS.
15. The Sub-Committee asked how many Police Officers attended and who called them? PC Reaz Guerra explained there were 4 officers who attended the Premises and they were called by the victim. The suspect had left by the time the Police had arrived.
16. The Sub-Committee asked what conditions Mr Rankin thought were breached, and he explained that conditions 10, 11, 12, 17, 18, 19, 21, 24, 25, 26, 27 and 28 are being currently breached. He also stated that the works condition, namely conditions 24 and 25, were breached as an Environmental Health Officer never signed off the works. This totalled 14 conditions being breached.
17. In answer to questions from the Sub-Committee PC Guerra explained what the immediate problems were, and said the Premises was being run completely inappropriately which undermined the licensing objectives.
18. PC Steve Muldoon reiterated that the Premises should be trading as a café because alcohol is to be sold ancillary to a table meal. Only one menu in the entire Premises could be found and there does not seem to be a food offer available for customers as required by condition 17 on the Premises Licence, with the only sign of catering equipment being a grill behind the bar as there is no kitchen facility.
19. The Sub-Committee asked if there are any other issues with the PLH himself, Mr Rankin was not aware of any other issues Mr Brian Kavanagh had.
20. The Sub-Committee asked if they were aware of previous issues with the Premises, and PC Muldoon said they were not aware of any other issues. Police had suspected the Premises were opening past their licensable hours for a number of months now and do not believe they are currently open.
21. The Sub-Committee asked if it had been possible to identify all patrons on the Premises at the time, and they were informed that patrons were starting to leave when officers arrived. Coupled with the lack of internal CCTV, it had made it extremely difficult to identify anyone.

22. The Legal Advisor to the Sub-Committee sought clarification from the Police whether they had or were intending to obtain a closure order of the Premises under the Act from the Magistrates Court. In answer thereto PC Muldoon explained they would deal with the licence first, then potentially apply for a closure order if required.
23. The Chairman of the Sub-Committee invited Mr Rankin to sum up the case on behalf of the Police. Mr Rankin said he had nothing further to add because everything had been covered in his earlier submission.

Submissions by the Premises Licence Holder

24. Mr Brian Kavanagh advised the Sub-Committee that he was not well enough to attend the hearing either in person or by telephone as stipulated by Ms Donovan in Paragraph 3 above and was not prepared for anyone else connected to the Premises to give evidence.
25. The Chairman then adjourned the meeting for the Sub-Committee to deliberate. After a short adjournment the Sub-Committee reconvened at 12:05 to announce its decision.

Conclusions of the Committee

26. The Licensing Authority received a valid application for an expedited review under Section 53 A-C of the Licensing Act 2003, from the Police on 11 November 2022.
27. The Sub-Committee recognised that the proceedings set out in the Act for reviewing premises licences represent a key protection for the community when problems associated with crime and disorder were occurring. The outcome of the review would be determined at the full hearing. However, today the Committee must determine what steps, if any, were necessary to take pending the full review. The Act provided the Licensing Authority with powers that it may exercise as specified in the Sub-Committee report. The Sub-Committee had to decide what interim steps were necessary to take, to address the immediate problems with the Premises, in particular the likelihood of serious crime from occurring pending the full review.
28. The Sub-Committee strongly recommends that Mr Brian Kavanagh obtains independent legal advice in respect of this matter and for the imminent full review hearing.
29. Having carefully considered the application for an expedited review and the evidence presented by the Police both verbally and in writing, the Sub-Committee concluded that the Premises was associated with serious crime and it was necessary to take the following steps:
 1. To suspend the Licence with immediate effect.
 2. To exclude the sale of alcohol from the scope of the licence;
 3. To remove the Designated Premises Supervisor.

4. In view of the seriousness of this case, it was necessary for this Interim Decision to take immediate effect.

30. The Sub-Committee accepted the evidence of the Police contained within section 4 of the application form giving details of the serious crime at the Premises which read:-

“On Saturday 29 October 2022, Police were made aware that a female had allegedly recently been seriously sexually assaulted within the Premises toilets. Police arrived at the Premises around 02:45. Officers had to make numerous attempts to enter the Premises and once inside, the officers could see licensable activity taking place. They state that the staff and manger were obstructive and unhelpful in their dealings with them. Officers were showed the toilets and the manager told Police that he might know the suspects who had now left. He also stated that the toilets had been cleaned and used since the offence and there would be nothing there. When officers looked inside the toilet, it was dirty and did not appear to be clean. The manager then tried to clean the toilet and Police had to remove him. When officers identified CCTV at the Premises the manager could not operate it and it now transpires that the CCTV was not working. Police Licensing were informed of this serious incident. Looking at the premises licence they noted not just breaches of the licence conditions but also that the Premises had been carrying on licensable activity nearly 3 hours past their premises licence allows. Officers made multiple attempts to contact the Premises Licence Holder and Designated Premises Supervisor. Eventually officers managed to meet with the Premises Licence Holder, the manager at the time of the incident and a City Inspector from Westminster Council on 9 November at the Premises where the incident was discussed along with the various breaches of licence conditions. During this meeting further breaches became apparent, along with a clear lack of management of the Premises. Due to the seriousness of the offence, the multiple breaches of the licence and the clear lack of control of the Premises the Police believe that the Premises have failed to uphold the prevention of crime and disorder licensing objective. As such, the Police believe that the Premises is a risk to the public and it is necessary to suspend the premises licence until the full hearing”.

31. The Sub-Committee considered that taking all these factors into account indicated that the Premises was associated with serious crime. A sexual assault taking place on the Premises was a serious matter and the Sub-Committee concluded that it was necessary and proportionate to suspend the licence to prevent serious crime with immediate effect to promote the licensing objectives and this was confirmed and communicated to Mr Brian Kavanagh shortly after the hearing by way of telephone call.

In summary, the Sub-Committee is satisfied that the Premises was associated with serious crime and it was necessary and proportionate for the interim steps outlined to be taken and for this Decision to have immediate effect in order to prevent serious crime occurring and to promote the licensing objectives.

If the Premises Licence Holder is unhappy with the decision, he is entitled to submit a representation against the interim steps taken by the Sub-Committee. If a

representation is received the Licensing Authority would convene a further interim hearing within 48 hours of receipt of the representation. The premises licence holder and chief officer of Police would receive advance notice of this hearing.

The full review hearing would take place within 28 days of receipt of the Police application to review the licence. Details of this hearing would be provided by the Licensing Authority.

The Licensing Sub-Committee
15 November 2022

Licence and Appeal History

Premises licence history

Application	Details of Application	Date Determined	Decision
21/04707/LIPN	New premises licence	23.09.2021	Granted by Licensing Sub-Committee

There is no Temporary Event Notice or appeal history for the premises.

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