

WITNESS STATEMENT

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

URN

--	--	--	--

Statement of: Bryan LEWIS PC 4161AW

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Constable p200892

This statement (consisting of 4 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: Bryan Lewis PC4161AW Date: 3th September 2019

The Metropolitan Police Service currently employs me as a Police Constable. For the last ten years, I have been deployed on the Westminster Police Licensing Team. I have amassed extensive knowledge of licensed premises in the borough of Westminster from both a licensing and enforcement perspective.

I first dealt with the Basement, 21 Rupert Street in 2011 when a new premises licence was applied for, to sell alcohol and provide regulated entertainment until 3am in the morning. The premises clearly intended to operate as a nightclub, therefore due to it being located in the heart of the West End Cumulative Impact Area, a policy introduced by Westminster City Council to control the effect of the widespread sale and consumption of alcohol late at night, I objected to the application on behalf of the MPS. Despite objections from both the Police and the Westminster City Council Environmental Health Team, the application was granted in May 2011. One of the reasons it was granted, was that it was proposed that half of the 500-customer capacity would be consuming food in the restaurant. In reality, this was difficult to enforce, as there was no restriction on movement of customers from the restaurant into the nightclub. During the following years, my colleagues and I made numerous licensing visits to the premises both to conduct routine inspections and to follow up many incidents of crime and disorder.

On Sunday 26th November 2017 at about 3.00am, there was an incident of serious disorder at the premises during a Kosovan community event held under a temporary event notice. A male customer received a non life-threatening stab wound to his leg and large fight occurred

Witness Signature: Bryan Lewis PC4161AW

Signature Witnessed by Signature:

Continuation of Statement of:

in the basement area. We viewed the CCTV footage afterwards and it appeared as if the managing operator who ran the premises on behalf of the licence holder, had lost control of the premises, putting the public at risk. This incident had followed previous incidents of serious crime and disorder earlier that year. Despite the efforts of my team to work with the premises and ensure that it adhered to the licensing objectives, the premises appeared unable to solve its problems. It had employed a new Designated Premises Supervisor to assist and over time, a number of licence conditions had been added to the licence, but the fundamental problem appeared to be the high-risk clientele the premises attracted. Previously that year during meetings with the representatives of the management contractor and ourselves, they had said they were considering rebranding the premises as a food led venue, as they were already successfully operating a similar concept in other areas of London. Therefore following this latest violent incident in November 2017, I suggested the premises voluntarily close and bring forward the commencement date of the works to create the new food led concept. This would provide reassurance to the Responsible Authorities that the premises did not continue to present as great a risk. I informed the operator that if they did not voluntarily close, I would have to consider other options including the commencement of Review proceedings to protect the public. They agreed to a closure period with the understanding that they could continue to operate the restaurant part of the premises. Which with our agreement, they did for a while, as we were confident the restaurant operation did not present a similar risk. On 5th of January 2018, I met with the owner of the management company. He showed me extensive plans of the new restaurant and I could see time and money had been invested in preparing plans for the new project. However, at a later stage it appears a decision was made in conjunction with the landlord, that a new licence holder would take control of the premises and operate it themselves as a nightclub.

On the 16th of January 2018, I was invited to meet the current licence holder represented by Mr Ramon Bordas at a meeting with their solicitor, which I attended with a member of my team. It was not a formal meeting but rather an open conversation during which I made it clear that the premises had been a constant source of problems for us. My memory of the meeting was that Mr Bordas spoke about his experience of running nightclubs in Spain and that they were confident they could satisfy the expectations of the Responsible Authorities. Opium would be very different to DSTRKT. I had no reason to doubt this. He added that

Witness Signature: *Bayn Lewis PLAIKIAN*.....

Signature Witnessed by Signature:.....

Continuation of Statement of:

they hoped to open further premises in London. I said we had some concerns about the name of the club and I mentioned there was already a licensed premises in Westminster called Opium. Ramon simply replied that Opium was an existing brand name. On the 5th April 2018 I met with the current DPS Eamonn Mulholland. I had known Eamonn from my work with previous nightclubs he had managed. As far as I was aware, he was a successful nightclub manager and that gave me confidence, as in my opinion successful nightclubs are normally safer as they can be more particular about who they allow entry to. The premises finally opened after extensive refurbishment and my colleague and I visited during a night duty, 9th December 2018. It had only just started trading and clearly, systems and staff were settling in. We discovered some breaches of licence conditions and a copy of the premises licence could not be located. As the evening was something of a low-key soft opening, music volume seemingly reduced and the premises and we were informed, would be closed between 21st and 31st of December, we trusted Eamon to correct these failings at the first opportunity. By this time Eamonn had made us aware of a difference of opinion he was experiencing with the Licence holders regarding a Commercial Director named Abdila they were employing; and that he expected to have final say over decisions involving promoters and music choice, not the Commercial Director.

On the 18th January 2019 we were again working nights. We conducted another night duty visit to Opium. We initially met with a Duty Manager Paul Smith. I had a brief walk around the dance floor areas. I saw customers serving themselves to bottles of spirits, which I knew to be in contravention of the licence conditions. I brought this to the attention of both Paul and Eamonn, who arrived afterwards. A Westminster council Licensing Inspector had also been conducting a visit at this time. Eamonn said they would resolve this matter. While I was at the premises, I felt that the licensable activities, music, lay out and clientele of the premises that night were very similar to when the premises had operated as DSTRKT and not as I been informed, a markedly different offering. I feared that the previous problem clientele would return and we would start experiencing crime and disorder again at the premises. I wrote a letter intended for the Licence holder, outlining my concerns, which I sent as an email attachment on the 24th of January 2019, to the solicitor acting for them at that time; Ms Lana Tricker. I have subsequently noticed an error on the letter in that the letter is dated the 16th January. It should actually have said the 19th of January 2019, the date I commenced writing it. My letter is exhibited as BGL1. I received a reply from Ms Tricker

Witness Signature: *Ramon Dennis PEARCE*

Signature Witnessed by Signature:

Continuation of Statement of:

inviting me to a meeting on the 18th of February 2019 to discuss the concerns I had raised. During the meeting, I spoke to Ramon on the phone, as he was in Spain. I described my observations during my last visit to Opium and that it had come to my attention that the premises was employing a Commercial Director who had formerly worked for DSTRKT. Ramon had replied that this gentleman was helping them to decide what promoters not to employ and that they were only using promoters who had been employed at established nightclubs. I also voiced concerns regarding their choice of Security Contractor who had also previously been employed at the premises when it was DSTRKT although not at the time the premises had voluntarily closed, under the previous management. I made it very clear however, that ultimately, it was their decision who they employed. Then I attended a second meeting on the 1st of March 2019 when another colleague and I met with Ramon and his father in person. Both meetings were held at the W Hotel, Leicester Square. I remember that Ramon stated that Opium was losing money in their efforts to keep unsuitable people out. However they accepted that this was necessary until they could build up a whole new clientele who would not present the same level of risk. I had no further dealings with the premises other than agreeing a standard Temporary Event Notice in April.

On the morning of the Bank Holiday Sunday, 25th of August 2019 I was working in the office at about 7.30am and checking the overnight crimes in licensed premises as normal. I was shocked and disappointed to find a crime report describing the incident at Opium that had occurred in the early hours of that same morning. It described how Police had been called to deal with serious disorder at the premises and that a male had been discovered with knife injuries. It also mentioned a shooting in the area but at that time, no connection to the premises had been confirmed. At 8.30am I sent an email to Eamonn asking him to contact me as a matter of urgency. I finally spoke to him on the phone about 11am. When I asked him about the incident, he said he had no idea about it as he was no longer involved with the premises and that he had not been paid for as far back as June. I asked him couple of times to give a precise date from which he had no longer been acting as DPS but he only stated that he had not been paid since June. I later heard that the premises had been closed since June, so this then made more sense. I also exchanged a number of emails with solicitor Lana Tricker that morning. She confirmed that due to the serious incident, a temporary event notice planned for that evening into tomorrow Monday, was now cancelled.

I also stated that I had been informed that the current DPS was no longer acting as DPS

Witness Signature: *Bryan Lewis PC4161AW*.....

Signature Witnessed by Signature:.....

Continuation of Statement of:

meaning he was no longer taking day to day responsibility for the premises. Her email reply made it clear that she had no knowledge of this and that the premises had not been trading that summer. She later stated in an email that as far as the premises was concerned, the victim who had been stabbed, had not been in the venue; according to the ID scan system. She stated that the CCTV was being copied and that we could attend at 1pm to collect it. On arrival, there was no reply to repeated knocking on the door of the premises, so we went to Charing Cross Police Station, to get a phone number of a member of staff mentioned on the crime report. We returned and we were able to gain entry. Two Police detectives were already viewing the CCTV in the basement office. There were three Opium employees present, of which the most senior was a Food and Beverage Manager, Mr David Anand. When I asked him for a copy of the CCTV, he said that only their Barcelona office could provide it. When I stated that CCTV downloaded onto memory USB sticks from the site Digital Video Recorder, was a licence requirement, he maintained that only the Barcelona office could assist with this. The other two workers present were also unable to assist and I had difficulty in conversing with them due to language difficulties. I was handed a phone to speak to a Security Manager in Barcelona. We had trouble understanding each other but he seemed to be saying he would email me the CCTV. I said that the amount of data would be too large to be emailed and I wanted a download done here in the UK. We got no further with this matter and we eventually left without the CCTV. The detectives remained looking for footage of a male who had been arrested for affray. We did see some of the footage of the serious disorder in the premises and I specifically remember seeing a door supervisor withdrawing from the basement disturbance, clearly deciding that his personal safety took precedence. As other door staff did not appear to be present to support him at that moment, this was understandable. I had received the emails of the CCTV footage on my computer when I was back in the office on Wednesday but without special unzipping software on my computer, I was unable to view it. By this time arrangements had been made for us to receive USB memory sticks.

After leaving Opium on the Sunday, we returned to the office. As Ms Tricker had confirmed that the premises would not reopen until the 10th of September and we had still not had confirmation of exactly what had happened during this incident, we took no further action that day. When I went to work on the following Wednesday 28th August, I had received a message from Ramon stating he had tried to call me on the Sunday morning following the

Witness Signature: *Bryan Lewis P.S. A.I.C.I.A.W.*.....

Signature Witnessed by Signature:.....

Continuation of Statement of:

incident. He called again that morning and I had a brief conversation with him. He stated that they had let a person they knew, run an event there last night. I said that I had been informed that Eamonn was no longer acting as Designated Premises Supervisor. Ramon did not deny this and said that the gentleman running the event had been a personal licence holder. I said that the DPS had to be named on the premises licence. We did not discuss this matter further. I have had no further involvement with anybody from the premises.

Bryan Lewis Pealigan

Witness Signature:

Signature Witnessed by Signature:.....



**METROPOLITAN POLICE
SERVICE**

Bryan Lewis PC4161CW
Westminster Police Licensing Team
Portland House
22nd Floor
Bressenden Place
London
SW1E 5RS

16th January 2019

Dear Lana

Telephone: 020 7641 1721
mob
Facsimile: 020 7641 2436
Email:blewis1@westminster.gov.uk

**Re: Police licencing visit to Opium Basement, 21 Rupert
Street W1. Saturday 19/1/2019 01:15**

My colleague and I visited Opium last Friday trading night, in the early hours of Saturday 19/1/2019. This was intended as a brief visit and not as a full Police Licensing inspection. We met Paul Smith, Duty Manager and we had a brief walk around the premises dancefloor. I noticed a male customer pouring a spirit directly from a bottle with a serving spout and passing the drink to another male. This is a breach of condition 11, Annex 2 found in premises reference number 18/01592/LIPT dated 18/7/2018 under the premises name Opium. When I asked Paul to produce the premises licence, he was unable to locate it and neither was Eamonn the DPS. This is despite the fact that we visited the premises before Christmas and gave Eamonn a copy with the conditions marked, that were being breached at the time. However, as the premises had only just opened, we issued a verbal warning only for these breaches.

When we made decision at the end of 2017 not to review DSTRKT following a stabbing at the premises, it was because we were assured by the operator at the time, that the premises would become a food-led premises, later described as vibe dining; a dinner dance type operation. Instead after a year's closure, a different operator appears to have reopened the same premises with a similar operation to DSTRKT i.e. a separate restaurant and nightclub. Also inviting back, a former Security company and Commercial Director responsible for promoters, employed there when it was DSTRKT. I have also been made aware that council inspectors have concerns following Health and safety failings their inspections have revealed.

I will make our position clear. If there are future incidents of serious crime and disorder at the premises, or continued breaches of licence conditions, we will have no option other than to commence review proceedings in relation to the premises licence. We will take the view that this is the same premises and the same operation as before. That despite the efforts of Police Licensing and Westminster Council to work with the various licence holders and operators who have managed the basement of 21 Rupert

Street, this premises seems unable to be operated within the confines of the licensing objectives contained in the 2003 Licensing Act.

I urge you as representative of the Licensee, to quickly find a solution to these concerns and in so doing provide reassurance to the Responsible Authorities that this premises does not present a risk to the public.

Regards

Bryan Lewis PC4161CW

Westminster Police Licensing