RESTRICTED (when complete)

MG 11 (T)

| | WITNESS STATEM | ENT | | |
|---|---|----------------|--------------------------------|--|
| CJ Ac | t 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Crimina | l Procedure Ru | ules 2005, Rule 27.1 | |
| Statement of | PC Reaz Guerra 1614CW URN: | | | |
| Statement of | TO Neaz Guerra 10146W | | | |
| Age if under 18 | Over 18 (if over 18 insert 'over 18') Occup | pation: Po | olice Officer | |
| This statement (consisting of: 6 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true. | | | | |
| Signature: | And 1614AN | Date: | 30 th November 2022 | |
| Tick if witness evidence is visually recorded (supply witness details on rear) | | | | |

I am the above-named person, currently employed in the Westminster Police Licensing Unit.

I joined the Metropolitan Police Service in 2002 and was posted to the Borough of Westminster in 2003, working in numerous operational roles. I moved to the Westminster Police Licensing Unit in April 2011. Since my appointment in the Licensing Unit I have dealt with a wide range of licensing matters including applications for new premises licences, variations to existing premises licenses, licensing committee hearings, licensing reviews and a large number of licensing visits to licensed premises within the City of Westminster. I am also a specially trained search officer, Licensed by the Home Office, with over 17 years experience performing this role.

I submit the below information in relation to an application by the Westminster Police Licensing Unit, on behalf of the Commissioner of the Metropolitan Police, to review The Manette Café & Bar - Premises Licence number 22/10879/LIREVX

Westminster Police Licensing unit seek revocation of the premises licence after an incident of Rape on 28th October 2022 at the premises.

The premises which is located within the West End Cumulative impact area as defined by Westminster City Council statement of licensing policy. Manette Café & Bar is located on the north footway of Manette Street approximately twenty (20) metres west of the Junction with Charing Cross Road. The Main entrance is a single door on Manette Street. As you enter the premised the bar area is located on the left, there are approximately 4 tables each with two chairs. Behind the bar there is a microwave, a flat grill, several drinks chillers and fridges/freezers, along with a variety of alcoholic drinks. Towards the rear of the ground floor there is a staircase leading to the basement level. On the basement level there were two individual toilets, a small staff/store/office room, with a tall chiller unit, some shelving units. There is further area with approximately 6 tables each with two chairs, this area was dimly lit.

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Continuation of Statement of PC Reaz Guerra 1614CW.....

On 14th May 2021, an application for a new premises licence was submitted by respect of Basement And Ground Floor, 16 Manette Street, London, W1D 4AR, ref 21/04707/LIPN, applying for the following licensable activities and respective hours;

Live music Monday to Sunday 0900 to 2359 hours Recorded music - Monday to Sunday 0900 to 2359 hours, Supply of Alcohol (On the premises) – 1100 – 2230 Hours premises are open to the public - Monday to Sunday 0800 to 2359 hours.

The application received objections from both the Metropolitan Police and Westminster Council Environmental Health. The application as presented would have the likely effect of undermining the Licensing Objectives in a locality where there was traditionally high levels of crime and disorder.

There was insufficient detail within the operating schedule to promote the Licensing Objectives.

The Premises was located within the West End Cumulative Impact Area and therefore the applicant had to demonstrate exceptional circumstances to allow the Sub-Committee to depart from policy.

Following discussions with the applicant during the consultation period, the applicant amended the application withdrawing Live and Recorded Music, the applicant had also agreed to amend the operating schedule to include a number of additional conditions proposed by the Metropolitan Police, Westminster Council Environmental Health Team and the Licensing Authority.

The Application was heard by Westminster Licensing Sub Committee on the application was granted on the basis that the premises would operate as a restaurant within Westminster's core hours policy, and that the applicant had agreed to comply with all the conditions proposed, in particular that the model restaurant condition was to be adopted and imposed on the Premises Licence meaning that alcohol had to be served to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal along with waiter and waitress service.

On 3rd August 2022 a further application was submitted by vary the premises licence, seeking to extend the hours for Recorded Music, Late Night Refreshment and Supply of Alcohol to midnight on Thursday, Friday and Saturday.

The application was deemed invalid by the Licensing authority due the application be improperly made along with no payment accompanying the application, the applicant was notified and the variation was not progressed.

On 28th October 2022, a female victim alleged that she had been orally raped at the premises, this was reported to Police on Crime Reference 6564962/22. Following this allegation the Westminster Police Licensing Team attended the venue at approximately 12pm on the 8th November 2022. I visited the

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Continuation of Statement of PC Reaz Guerra 1614CW

| venue along with PC Muldoon, on arrival at the premises we met a man who identified himself as who was already inside the premises, he appeared evasive and somewhat unclear as to why he was as the premises, stating he was there to look at what alcohol needed to be ordered so he could then call the manager. Due to his behaviour PC Muldoon asked him if he had the manager or owners number, so that he he could speak with him, Paulo stated the owners name was Kevin and provided a mobile number for him. PC Muldoon the spoke with on the phone and explained that we needed to meet with him and arranged to meet with him at the venue the following day. |
|--|
| On Wednesday 9 th November 2022, I attended the venue along with PC Muldoon, and a Westminster City Inspector, James Joyce, inside the venue we were met by and said he was the owner of the premises and that and a male named were the managers. Mr PC Muldoon explained the necessity for our visit and that there had been an allegation of Rape, said he was unaware that any such incident had occurred and looked at and said to him "YOU NEVER TOLD ME THAT". |
| James Joyce then went through the conditions on the premises licence with to evidence how the conditions were being complied with. From this conversation it was clear that a number of conditions were being breached. I then walked around the premises, there were several notable points; Inside the fridges/chillers there was no food products of any description, other than sliced lemons and limes. The microwave was unplugged and the flat grill did not appear to have been used for some time being dirty and dusty. In the basement the staff/storeroom was locked, I asked what was behind the door, and he stated it was an office and unlocked the door, inside the small narrow room, which was untidy and cluttered was a tall chiller unit, I asked what was in the fridge, he opened and I could see three or four small packets of cured meats some of which were open and mouldy, I asked him what the use-by dates were, he looked at the packets and said "THAT'S JUST STAFF FOOD", I said "WHAT ARE THE DATES?" he looked at the packets and shrugged. |
| I then pointed out a smoke/fire alarm located in the basement at the bottom of the stairs which had been covered over with plastic cover, I said "Why is this covered" called for to come downstairs and explain, but neither could say why it was covered. |
| From my visit on the 9 th , it was clear the premises had breached numerous conditions on its premises licence, namely conditions 11, 12, 17, 24, 25, 26, 27, 28 |
| Conditions 11, 12 |
| Condition 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. |
| No informative notices were displayed to this effect. |
| Condition 12 |
| Signature: Signature witnessed by: |

Continuation of Statement of PC Reaz Guerra 1614CW

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| - | shone number for the manager at the premises shall be publicly available at all times is open. This telephone number and/or is to be made available to residents and the vicinity |
| Ву | own admissions, this was not available. |
| • | |
| Condition 17 | |
| | f alcohol at the premises shall only be to a person seated taking a substantial table meal consumption by such a person as ancillary to their meal. |
| 1. | For the purpose of this condition a 'Substantial Table Meal' means – a meal |
| 2. | such as might be expected to be served as the main midday or main evening |
| 3. | meal, or as a main course at either such meal and is eaten by a person |
| 4. | seated at a table, or at a counter or other structure which serves the purposes |
| 5. | of a table and is not used for the service of refreshments for consumption by |
| 6. | persons not seated at a table or structure servicing the purposes of a table |
| food in any fo | clearly unused flat grill clearly showed that the premises was not providing substantial orm, neither was there any cutlery or crockery on which food could be served. |
| Condition 24 | |
| deteri replac | ensable activities shall take at the premises until the capacity of the premises has been mined by the Environmental Health Consultation Team and the licensing authority has sed this condition on the licence with a condition detailing the capacity so determined, exceed 40, excluding staff. |
| Condition 25 | |
| as sat | ensable activities shall take place at the premises until the premises has been assessed isfactory by the Environmental Health Consultation Team at which time this condition be removed from the Licence by the licensing authority |
| Ву | own admissions, these inspections had not taken place. |
| Condition 26 | |
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Signature: Signature witnessed by:

2003(1)

Continuation of Statement of

PC Reaz Guerra 1614CW...

- 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.

Condition 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.

stated that the CCTV had not been working for months and no member of staff could provide downloads of any CCTV footage.

Condition 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:

- 1. all crimes reported to the venue
- 2. all ejections of patrons
- 3. any complaints received concerning crime and disorder
- 4. any incidents of disorder (e) all seizures of drugs or offensive weapons
- 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.

| Neither | 0 | r | were able to provide such a log, there was no incident report |
|------------|------------------|-------------------|---|
| in relatio | on to the allega | tion of rape, nei | ther was there any incident log in relation to the CCTV not |
| working | | | |

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| Continuation of Statement of PC Reaz Guerra 1614CW |
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The Westminster Police licensing team actively look to engage with a stepped approach to resolve issues and further promote the Licensing objectives. However in this instance, the premises is already devoid of a designated premises supervisor, as the premises licence holder, who is also the Designated Premises Supervisor have absolved himself from the premises and stated he has no involvement or control in the day to day operation of the premises. As per the section 182 Guidance "poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented."

The premises has failed to comply with the conditions already imposed on the licence which essentially should have been trading as a restaurant, imposing additional condition would be of little consequence as it is evident the premises would most probably fail to abide and comply with any additional condition. Neither would a temporary suspension of the premises licence provide a resolution.

Given the significant breaches and the demonstrable failure by this premises to uphold and promote the licensing objectives and trade responsibly, it is my belief that most appropriate, proportionate and absolutely necessary step is for this licence to be revoked to prevent further crime and disorder.



| Signature: | Signature witnessed by: | |
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| Witness contact details | | | | |
|---|---|--|--|--|
| Home address: | Double de | | | |
| | Work telephone number | | | |
| I 8 | Email address: | | | |
| | | | | |
| Male / Female (delete as applicable) Date and place | of birth: | | | |
| Former name: Ethnicity Code | (16+1): Religion/belief: | | | |
| Dates of witness <u>non-availability</u> | | | | |
| | | | | |
| Witness care | | | | |
| a) Is the witness willing and likely to attend court? Yes / No. It | f 'No', include reason(s) on MG6. | | | |
| b) What can be done to ensure attendance? | | | | |
| c) Does the witness require a Special Measures Assessment as Yes / No. If 'Yes' submit MG2 with file. | , | | | |
| d) Does the witness have any specific care needs? Yes / No. If difficulties, visually impaired, restricted mobility or other concerns?) | $\label{eq:Yes'} Yes' \ what \ are \ they? \ (Disability, healthcare, childcare, transport, , language$ | | | |
| | | | | |
| a) The criminal justice process and Victim Personal Statement been explained to me | scheme (victims only) has Yes No | | | |
| b) I have been given the Victim Personal Statement leaflet | Yes No | | | |
| c) I have been given the leaflet 'Giving a witness statement to | police — what happens next?' Yes No | | | |
| d) I consent to police having access to my medical record(s) in (obtained in accordance with local practice) | relation to this matter: Yes No N/A | | | |
| e) I consent to my medical record in relation to this matter being | ng disclosed to the defence: Yes No N/A | | | |
| f) I consent to the statement being disclosed for the purposes of care proceedings, CICA | of civil proceedings e.g. child Yes No | | | |
| g) The information recorded above will be disclosed to the Withhelp and support, unless you ask them not to. Tick this box | | | | |
| Signature of witness: Print name: | | | | |
| Signature of parent/guardian/appropriate adult: Print name: | | | | |
| Address and telephone number if different from above: | | | | |
| Statement taken by (print name): PC1614CW P207028 PC G | UERRA Station: City Hall Westiminster | | | |
| Time and place statement taken: | | | | |

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2006/07(1): MG 11(T)