

WITNESS STATEMENT

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

URN

Statement of: Steve Muldoon

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

This statement (consisting of 5 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:S Muldoon..... Date: 05/12/2022

I am the above named person and am employed by the Metropolitan Police Service to work as a Police constable within the Police Licensing team in Westminster. I have been a police officer for 20 years with the last 15 years being in Westminster. My team is responsible for approximately 5000 licensed premises in Westminster, Kensington and Chelsea and Hammersmith and Fulham. When visiting these licensed premises we aim to work in partnership with them by making improvements and offering advice to ensure the licensing objectives are promoted and achieved.

This statement is an additional one to one I have previously made and relates to my involvement with the Manette Café and Bar, 16 Manette St, W1 following an allegation of rape that was received at 02:44 on Saturday the 29th October 2022.

In relation to the above incident I attended the above listed venue with Pc 1614 GUERRA, at the venue was the owner Kevin Kavanagh and a male he identified as one of the managers. I was told by Kevin that his brother (the DPS) Brian was in hospital and could not make it.

In this meeting I discussed the incident and both seemed unaware and initially played the incident down. I was also told that the police did not turn up at 02:45 as documented but however did turn up at 22:30. I explained to both that this was clearly incorrect as numerous officers had raised the issue with us. Kevin explained to me that he had taken his eye off things and that changes were needed. I asked Kevin as to how long Brian had not been involved with the venue but he described him as still involved but just unwell. Kevin was unaware as to how long it had been since either he or Brian had been to the venue. I discussed the fact the incident was alleged to have occurred at 01:30 and that officers attended at 02:45 and witnessed both cash and card sales of alcohol. The manager simply denied this however Kevin said it was quite obvious things have gone wrong.

I discussed the premises licence and walked round the venue, I discussed the sale of food and the fact that there was no menu anywhere inside the venue and i got the following response from Kevin Kavanagh – “Oh they were here last time I was here”. I asked about cctv and why there was no cctv available on the night of the incident, I also asked if it was possible to view it now. The manager disclosed to me that the system has been broken for 2 months. He went on to say that he has walked round Soho to find the man that fixes it but after finding him once he cannot find him again. Looking at the system it is not clear that the cctv has ever been working at all.

On top of finding out the above condition breaches and the fact the venue had served alcohol after their licence permits I walked round the venue with City Inspector James Joyce and Pc Guerra and identified the following breaches of their premises licence.

Witness Signature:

Signature Witnessed by Signature:.....

Continuation of Statement of: Steve Muldoon

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.

Evidence – Kevin has himself mentioned the DPS was not at the premises and has not been involved.

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.

Evidence as above.

3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence

Evidence – No other staff other than Brian are personal licence holders. It is quite clear this venue has been run with no licence holders at the venue for some time.

4. (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

Evidence – No sign of age verification at the venue.

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.

Evidence – No signs on display at the venue.

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

Evidence – No number provided by anyone to any of the nearby venues or residents. Kevin disclosed this to us whilst walking round the venue.

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

Evidence – Officers that arrived on scene saw no food being sold or eaten. I searched the venue and found there was no food at all in the venue. The only possible way of cooking was 1 microwave and it is not possible to run a complete food let venue on 1 microwave.

18. The supply of alcohol shall be by waiter or waitress service only

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Evidence - Kevin and the manager disclosed all alcohol sales take place at the bar.

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

Evidence – As condition 17

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

Evidence – No scheme in place.

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.

Evidence – Upon speaking to environmental health it is has been determined that this has not taken place.

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

Evidence – as above

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.

Evidence – No CCTV was available on the night of the visit by officers or during my visit.

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.

Evidence – As above.

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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 (e) 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

Evidence – No incident log was at the venue.

On Tuesday 22nd November I met with Brian Kavanagh (the registered DPS and licence holder). Brian had agreed to meet and provided a statement to say he was last at the venue in December last year, Brian also documented that he supported action we are taking to revoke the licence as he had heard from customers that the café was not open anymore and that they had traded past their registered hours.

I have also conducted searches on the internet using google. I have found a website that is used at a job hiring site, www.jobtoday.com. On this site Manette café and Bar is listed. The venue is listed by Kevin Kavanagh and is described as **“We are a trendy bar cafe in the heart of Soho and serve food, also a basement area for private parties”** This description of being a trendy bar goes against the entire application they made where they made an initial application to sell alcohol with food in their greasy spoon café.

The manette cafe and bar

I have also further interrogated police systems and found Cad 1192 of the 3rd of June and Cris report number – CR6531318/22. This relates to a theft of a laptop that took place at Manette Café and Bar, 16 Manette St on Friday 3rd of June between 02:30 and 03:00. The victim has stated he was at a customer of the bar and between those times he suspected a member of staff had taken his laptop. The victime stated he made requests to see

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 the CCTV however was told this had broke 20 minutes prior to the offence due to the wifi going down. He was also told in a conversation that the venue had no cctv.
 This offence is another example of the venue operating after their terminal hour. I have checked the system and can confirm that they were not operating under any temporary event notice for either incident mentioned.

We as the Metropolitan Police Service are seeking revocaktion of the premises licence as it is quite clear that this venue is not being operated within their conditions set, the venue is contributing to serious crime and disorder and we as the police have no faith in the DPS or the owner to ensure these failings are addressed.

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