

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of PC Reaz Guerra 1614CW ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18 ..... (if over 18 insert 'over 18') Occupation: Police 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: [Signature] 1614AW ..... Date: 30th 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.

Signature: [Signature] 1614AW ..... Signature witnessed by: .....

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

On 14<sup>th</sup> May 2021, an application for a new premises licence was submitted by Brian Kavanagh, in 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 3<sup>rd</sup> August 2022 a further application was submitted by Brian Kavanagh, the application sought to 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 28<sup>th</sup> 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 8<sup>th</sup> November 2022. I visited the

Signature:  1614CW ..... Signature witnessed by: .....

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 Paulo, who was already inside the premises, he appeared evasive and somewhat unclear as to why he was at 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 Kevin Kavanagh 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<sup>th</sup> November 2022, I attended the venue along with PC Muldoon, and a Westminster City Inspector, James Joyce, inside the venue we were met by Kevin Kavanagh and Rahim Djekboub. Kevin Kavanagh said he was the owner of the premises and that Djekboub and a male named Paul were the managers. Mr PC Muldoon explained the necessity for our visit and that there had been an allegation of Rape, Kevin Kavanagh said he was unaware that any such incident had occurred and looked at Mr Djekboub and said to him "YOU NEVER TOLD ME THAT".

James Joyce then went through the conditions on the premises licence with Kevin Kavanagh asking him 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 Kevin Kavanagh 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 Kevin Kavanagh 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" Kevin Kavanagh called for Mr Djekboub to come downstairs and explain, but neither could say why it was covered.

From my visit on the 9<sup>th</sup>, 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** .....

**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**

By Kevin Kavanagh own admissions, this was not available.

**Condition 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.**

- 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**

From the officers attending on the night of the alleged Rape and my visit on the 9<sup>th</sup> of November 2022 it was abundantly evident that the premises was not providing food. The distinct lack of any food products on the premises, the inability of Kevin Kavanagh or Mr Djekboub to produce a food menu, alongside the clearly unused flat grill clearly showed that the premises was not providing substantial food in any form, neither was there any cutlery or crockery on which food could be served.

**Condition 24**

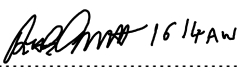
**No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined, not to exceed 40, excluding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

By Kevin Kavanagh own admissions, these inspections had not taken place.

**Condition 26**

Signature:  1614CW ..... Signature witnessed by: .....



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

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.

 1614CW

Signature: ..... Signature witnessed by: .....

**Witness contact details**

Home address: .....  
..... Postcode: .....  
Home telephone number ..... Work telephone number .....  
Mobile/pager number ..... Email address: .....  
Preferred means of contact: .....  
Male / Female (delete as applicable) Date and place of birth: .....  
Former name: ..... Ethnicity Code (16+1): ..... Religion/belief: .....

**Dates of witness non-availability** .....

**Witness care**

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?  
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me 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 relation to this matter: Yes  No  N/A   
(obtained in accordance with local practice)
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes  No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

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 GUERRA**..... Station: **City Hall Westminster** .....

Time and place statement taken: .....