

## STATEMENT OF WITNESS

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

**STATEMENT OF: Frank Olaniran**

**Age of witness: Over 18**

**This statement (consisting of 5 page) 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, Frank Olaniran, am a Crime, Enforcement and Regulation Officer of the London Borough of Lewisham's Community Services Directorate. I have been employed since July 2018., my duties include investigating complaints of noise nuisance as specified via The Environmental Protection Act 1990, licensing enforcement as designated via The Licensing Act 2003 and Anti-Social Behaviour most notably via the Anti-Social Behaviour, Crime and Policing Act 2014.

I make this statement as a consequence of the visits and conversations that have taken place to and with the proprietor of Maestro Bar and Kitchen, 44 – 45 Deptford Broadway, SE8 4PH.

On Monday 10 August 2020, CER Officer Nadya Gencheva and I were providing an out of hours service to monitor the compliance of the Government's national measures to address rising cases of Coronavirus in England. While driving to a report of a nuisance taking place observed patrons outside Maestro Bar and Kitchen at approx. 00.32 in possession of alcoholic drinks in glass containers socialising immediately outside of the premises.

In addition to this, it was observed that the front door of the premises was open allowing the music and the noise from shouting patrons within the premises to become audible in the middle of Deptford Broadway as officers were stationed in traffic.

Officers' observations were noted in order to refer to the licence conditions at a later date to establish if a breach had taken place.

On 18 August 2020 an anonymous report was received by the CER service detailing concerns around activity taking place at Maestro Bar and Kitchen. The complainant highlighted that the premises was providing regulated entertainment in the form of a live band during the Covid-19 Pandemic in which restrictions to reduce the rate of transmission of the virus were in place for licenced premises to adhere to. The complainant also highlighted concerns around the number of patrons frequenting the premises during a time when social distancing was in forced. A copy of this complaint is provided as FO/1.

While reviewing the licence for the premises, officers noted the following annex 2 conditions:

Condition 6

**Prevent customers taking drinks outside in glass containers.**

Condition 9

**Doors will be kept closed during public entertainment.**

A letter outlining officers' findings and requesting CCTV footage was sent to the premises and the address for the DPS on 19 August, advising that an active investigation into their activity was taking place. A copy of this letter is provided as FO/2.

On 23 August 2020, I was providing an out of hours with CER Officer Delroy Downer. At approx. 22:55 officers attended Maestro Bar and Kitchen and immediately observed 20 patrons loitering outside the premises with a few of them handling bottles of alcohol.

Familiar with the conditions of the premises licence, officers noted that there was no door security outside while also confirming the presence of loud amplified music taking place in the form of a live band.

The premises was therefore in breach of annex 2, condition 4 which states:

**Two S.I.A badge door supervisors are present when public entertainment is in progress and then from 22:00 until end of all licensable activities.**

Upon entry into the premises, no door security could be seen in operation within the premises and officers observed approx. 100 patrons crowded around tables, dancing to the live band. As officers made attempts to access the bar to establish contact with management, this was made difficult due to overcrowding patrons shouting over each other to place their orders. The live music stopped at 23:00 and then recorded music started being played by a DJ at loud volume.

The premises is only permitted to provide regulated entertainment for the following times:

Regulated Entertainment

10:00 – 23:00 Sunday

10:00 – 23:00 Monday

10:00 – 23:00 Tuesday

10:00 – 23:00 Wednesday

10:00 – 23:00 Thursday

10:00 – 23:00 Friday

10:00 – 23:00 Saturday

The provision of recorded music after 23:00 on this day and on the 10 August 2020 therefore constituted a S136 offence of the Licensing Act 2003 – Unauthorised licensable activities.

After locating the licence holder Louis (Armand) Tchatchouang, officers had to leave the premises to speak with him due to the level of noise taking place.

While speaking with licence holder, officers again observed several patrons exiting

the premises with open bottles of Guinness and Desperado tequila beer to smoke and get fresh air, in excess of 6 bottles were seen being taken off the premises for consumption outside.

Officers raised their concerns and findings to the licence holder who advised the following:

- The business had reopened 3 weeks ago and under pressure as the landlord pressuring the licence holder for rent payment and to clear arrears.
- Live music was fundamental to the business maintaining the level of customer trade and generating income.

The licence holder was unable to provide a justification for no SIA personnel being present or allowing patrons to take containers outside of the premises, however advised that he would start policing the outside area to ensure that patrons do not leave with glasses.

It was brought to the licence holder's attention that Government guidelines to tackle the pandemic stated that music within licenced premises was only to be provided at ambient background level and that live music indoors was not permitted as a way of discouraging patrons shouting, dancing and mixing in further attempt to reduce the risk of the virus being transmitted.

The licence holder was immediately uneasy after my advice, stating that if he could not have live music, he may as well hand back the premises to the landlord. This prompted concerns from officers that the licence holder would continue operating in such manner in order to secure his trade. The premises was referred to the Council's Environmental Health Department following concerns relating to failure to adhere to Covid-19 regulations. A copy of the letter sent to the premises by the EH department is provided as FO/3.

On 30 August 2020, a subsequent visit was made Maestro Bar and Kitchen along with Police Licensing Officer, PC Butler. While no live music was being provided, loud recorded music was still being provided during a time licenced premises were prohibited from providing amplified music as a means of discouraging patrons from dancing, shouting and singing. While on site, a full licence inspection took place where the following was noted:

- The premises had no summary licence on display
- CCTV footage could not be made available on request
- No sound limiter in place
- No training logs could be provided

As no manager was present to discuss our findings with, PC Butler advised that contact would be made with the licence holder to arrange a meeting at a later date.

Following this visit, further visits by the CER service have been made to the premises.

On 05 September 2020, Officers have reported observing only 1 SIA door supervisor in operation.

On 20 September 2020 at approx. 21:50, the premises was observed facilitating large social groups beyond 6 patrons being sat around tables therefore breaching Government instructions regarding the rule of six. Officers returned at 23:30 to find

only 1 SIA door staff in place. Conversations took place with friend of the licence holder who was away, he was informed the despite ongoing monitoring and advice, the business continues to be operated outside of the conditions of the licence, as such another breach letter would be sent to the premises and a referral to the Council's Environmental Health Department for the lack of social distancing and breach of Covid-19 regulations.

Upon speaking with the person in charge while DPS is away, he was informed that they were in breach of their licence conditions by not having 2 door staff in place. Breach letter to be sent and second referral to EH for again failing to comply with Covid-19 regulations.

From the information provided in relation the involvement of CER officers, it is clear that the premises is unable to operate competently or in accordance with their licence conditions.

As the business is situated within an existing Cumulative Impact Zone, I am not convinced that there is strict policing of alcohol sales, prompting concerns of the DPS' ability to ensure the safeguarding of the key licensing objectives. Additionally, it is evident that the oversight of key responsibilities placed upon a Designated Premises Supervisor has only served to exacerbate current issues in relation to adhering to Covid-19 restrictions for licenced premises.

I am of the opinion that without the addition measures to govern the operation of Maestro Bar and Kitchen, they will continue to breach their licence conditions and flout Covid-19 related regulations.

#### **Recommendations:**

The Crime, Enforcement and Regulation Service considers the following measures appropriate as a means of ensuring the safeguarding of the key licensing objectives.

- The removal of regulated entertainment from the licence
- The sale of alcohol on the premises licence to be restricted to the following hours:
  - 10:00 – 00:00 Sunday
  - 10:00 – 00:00 Monday
  - 10:00 – 00:00 Tuesday
  - 10:00 – 00:00 Wednesday
  - 10:00 – 00:00 Thursday
  - 10:00 – 01:00 Friday
  - 10:00 – 01:00 Saturday
- The provision of late night refreshment on the licence to be restricted to the following hours:
  - 23:00 – 00:00 Sunday
  - 23:00 – 00:00 Monday
  - 23:00 – 00:00 Tuesday
  - 23:00 – 00:00 Wednesday
  - 23:00 – 00:00 Thursday
  - 23:00 – 01:00 Friday
  - 23:00 – 01:00 Saturday

The addition of the following conditions to the premises licence:

- Staff training to take place every four months to cover all aspects of the Licensing Act 2003. Copies of training undertaken to be made available to responsible authorities on request.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following
  - (a) All crimes reported to the venue
  - (b) All ejections of patrons
  - (c) Any complaints received
  - (d) Any incidents of disorder
  - (e) All seizures of drugs or offensive weapons
  - (f) Any faults in the CCTV system or searching equipment or scanning equipment
  - (g) Any refusal of the sale of alcohol
  - (h) Any visit by a relevant authority or emergency service.
- The premises will operate a Challenge 25 age verification scheme and will only accept current passport, photo driving licence or PASS approved identification.
- The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or authorized officer throughout the preceding 31 day period, such copies shall in any event be provided within forty-eight (48) hours.
- 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 are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

It is hoped that these measures will assist in tackling the issues observed at the premises and alleviate concerns with regards to the premises ability to operate as well as reduce the impact of nuisance while safeguarding key licensing objectives.

**Signed:** ..... **Date:** .....

# Exhibits List

- 1/ Shows Notification of offences form SCB/1.
- 2/ Shows Section 19 Closure Notice Form SCB/2.
- 3/ Shows photograph taken of Whiskey on table on 31<sup>st</sup> October 2020 on last visit. SCB/3.