

STATEMENT OF WITNESS**Criminal Procedure Rules, r 27.1(1)****Criminal Justice Act 1967, s. 9****Magistrates' Courts Act 1980, s.5B**

Full Name: Richard Kalu**Occupation of witness: Licensing Enforcement Officer**

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London
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Telephone No : 020 7525 4642**Age (if over 18, write over 18)** Over 18

I am a Licensing Enforcement Officer in the Licensing Service of the London Borough of Southwark's Environmental Health and Trading Standards Department. I hold a LLB Law Degree and have worked within an Environmental Health / Licensing setting for over 17 Years. I am authorised by the Council to enforce the provisions of the Licensing Act 2003, dealing with the licensing of premises, herein after referred to as the "Act".

On the 6 April 2018 at 23:18hrs, I visited the premises known as Empire Lounge, Unit 2, 777 Old Kent Road, London, SE15 1NZ with Farhad Chowdhury who for the purpose of this witness statement shall be referred to as (FC). The weather was clear and dry with a still wind with a slight background noise from traffic travelling along the old Kent Road.

We parked the vehicle we were travelling in across the road from the premises in the Toys R Us car park on Old Kent Road. At 23:20hrs we left the car we were sat in and crossed the road and stood at the front of the premises to take some observational notes.

I noted that I could hear very loud amplified bass music and song lyrics emanating from the premises known as Empire Lounge. I could not hear song lyrics however the song lyrics were being distorted by the high level of the amplified bass from within the premises.

At 23:26hrs myself and (FC) entered into the premises and I noted X6 patrons stood at the bar. X2 patrons were being passed a bottle of beer and I observed another patron ordering drinks.

I looked around the main room and counted X35 patrons sat at tables eating food and drinking. Alcoholic drinks were on most of the tables which customers were sat at eating food.

In a corner of the room was a DJ playing music with headphones on. It appeared that as he had his headphones on he was not really conscious possibly of just how loud the music he was playing was.

To the rear of the premises was another room with sliding glazed doors which were open. From my vantage point I could see approximately X10 patrons in this room dancing. From the position I was standing in positioned in the centre of the premises I was acutely aware that the sound levels were very high and I could feel the vibration of the bass through the fabric of the floor I was standing on.

The premises licence holder and designated premises supervisor Mr George Nwachukwu who I recognised from previous visits approached me and I asked if I could speak to him. Mr Nwachukwu could not hear my request to speak somewhere more quiet as the amplified bass of the recorded music was at such a high level within the premises. I had to shout and ask Mr Nwachukwu if we could go somewhere else so he could hear me. Mr Nwachukwu led myself and (FC) to the back of the premises to a corridor. I asked Mr Nwachukwu why he was still operational in light of the fact that he had received and been served a planning enforcement notice. Mr Nwachukwu stated that he did not know what I was talking about. I asked again if he was not aware that he had been served a planning enforcement notice which required him to cease trading at 23:00hrs.

Mr Nwachukwu stated again that he did not know what I was talking about again. I then asked him if he had spoken to Gavin Blackburn or had any correspondence from Planning in relation to his trading hours. Mr Nwachukwu stated "yes" and I then asked had Gavin or Planning either by letter or email or via direct conversation discussed an enforcement notice or that the premises needed to close at 23:00hrs. Mr Nwachukwu stated that he vaguely remembered a conversation but did not know anything about the hours he was meant to close at.

I then proceeded to ask Mr Nwachukwu if he was in management control of the premises to which he replied "yes". I asked why the music was so loud and he stated that it was a private party. I asked Mr Mr Nwachukwu to look at his watch and confirm what time it stated on his watch. Mr Nwachukwu stated that it was 23:35hrs then said "oh no, I was not aware that it was so late". I asked why does it matter and he retorted "oh I should be closed now". I asked him why should you be closed and he responded by saying " I should be closed".

Mr Nwachukwu then walked away from myself and (FC) and walked up to the DJ and spoke to him which then led to the amplified music being turned off. Myself and (FC) sat down at a table near the entrance doors to observe and take observational notes. Mr Nwachukwu then approached us and began to close the front electronic shutters of his premises. I spoke to Mr Nwachukwu and said I understand your closing the shutters but all your patrons are still within your premises and you are still operational. People are still buying alcohol and drinking alcohol and it appears that people are still eating and maybe ordering food. Mr Nwachukwu looked at me with a slightly confused look then sat down at the table with myself and (FC).

It was at this point that Police Night Time Economy Officers walked into the premises. Mr Nwachukwu then began to plead innocence that he was not aware of a planning enforcement notice. I then spoke to Mr Nwachukwu to clarify the situation in regard to the planning enforcement notice and Mr Nwachukwu stated "yes I know I am meant to close at eleven O'clock". I advised Mr Nwachukwu that I would need to refer my observations of what I had witnessed to planning enforcement and that someone would be in touch to discuss the breach of the planning enforcement notice.

Myself (FC) and the two officers from the Police NTE team left the premises at 23:46hrs. When we left the premises and returned to our vehicle I again observed the premise and observed patrons from the premises leaving and that amplified music was no longer audible from outside the premises.

Signed ...



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Date