

RESTRICTED (when complete)

MG 11 (T)

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 **Stuart Wythe PC 393MD** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 230234**

This statement (consisting of: **1**..... 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: Date: **20 January 2015**

Tick if witness evidence is visually recorded (supply witness details on rear)

On Sunday 18 January 2015 I was on duty in full uniform on mobile patrol accompanied by PC White, SC Saleem and SC Pearce.

At about 0030hrs we attended Lush Bar, Old Kent Rd, London SE1 in order to undertake a licensing visit. We spoke to Douglas Otunyo, the designated premises supervisor. Condition 369 stipulates that the premises should have a club-scan device in operation; there was no such device evident at the premises. Mr Otunyo stated that the device would be in place by the next Friday.

As a result of this breach of licence, at 0040hrs I issued Mr Otunyo a closure notice under section 19 of the criminal justice and police act 2001.

Signature: Signature witnessed by:

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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: (obtained in accordance with local practice) Yes No N/A
- 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): **PC 393MD 230234 Stuart Wythe** Station: **Southwark**

Time and place statement taken: **1328hrs, Southwark Police Station**

Douglas Otunyo



Licensing Unit
Direct Dial - 020 7525 5733
Facsimile - 020 7525 5705
Ref. 846180

26 January 2015

Dear Mr Otunyo,

RE: THE LICENSING ACT 2003 – Lush Bar Restaurant, 280 Old Kent Road, London, SE1 5UE

I write to you in relation to a visit to made to your premises on the **18 January 2015 at 00:40** by the Metropolitan Police. When officer's visited your premises it was noted that an ID scanning system was not in operation at your premises.

This was contrary to a specific condition on your premises licence. Condition 369 on your premises licence states;

An ID Scanning system to the reasonable satisfaction of Police should be installed and maintained. The system should be capable of sharing information of banned customers with other venues, identify the hologram from a form of ID and read passports and ID cards, and be able to identify fake or forged ID documents.

I would like to take this opportunity to remind you that under Section 136 (1) (a) and (b) of the Licensing Act 2003 it states;

A person commits an offence if;

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or
- (b) Knowingly allows a licensable activity to be so carried on

You should be aware that it is the practice of the Council's Licensing Unit to send officers to visit premises to check to see if licensable activities are being carried out. Licensing officers will gain admission to the premises in the same way as ordinary members of the public, and will not necessarily make themselves known to the staff at the time of the visit.

Visits of this nature are usually carried out where it is suspected that licensable activities are being provided without the necessary licences.

I trust no further compliance related issues will occur again at this premises. If I can be of further assistance, please do not hesitate to contact me.

A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

Yours sincerely,



Richard Kaird
Licensing Enforcement Officer
licensing@southwark.gov.uk