

RESTRICTED (when complete)

MG11

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**WITNESS STATEMENT****Criminal Procedure Rules r 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B**URN Statement of: **Martin Richard THORLEY**

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

This statement (consisting of 8 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: 14th February 2020

Check box if witness evidence is visually recorded  (supply witness details on last page)

I am Police Constable 14627 Martin Thorley of the Greater Manchester Police stationed at Ashton Police Station. My current role is that of Licensing Officer, Divisional Partnership Team for the Tameside District. I have delegation of authority on behalf of the Chief Officer of Police for all applications made in respect of the Licencing Act 2003.

I am aware that this statement will be used as part of an application for a review of the licensed premises **The Royal Oak 23 Nook Lane, Ashton under Lyne OL6 9HN.**

The **Royal Oak** is a public house situated at Hurst Cross, on the B6194. The **Royal Oak** is a small public house which has both a vault and bar and trading room. The premise has a car park and beer garden facility to the right hand side. It has main entrance/exits on to the pavement at the front of the premises. There is also an entrance/exit onto the car park at the side of the pub. The B6194 is a busy thoroughfare between Ashton under Lyne and Oldham.

On today's date I can confirm that the Premises Licence Holder is Admiral Taverns Piccadilly Limited. The Designated Premises Supervisor is Bernadette Corcoran who took over this position from 9<sup>th</sup> April 2019 from the previous DPS who was Lisa Jane Todd.

Bernadette Corcoran is a Personal Licence holder which was issued by Warrington Borough Council, no WBC/PL2113.

As the Tameside District Police Licensing Officer I work in partnership with Tameside MBC Regulatory Compliance Officers and as such I am aware of incidents being reported from June 2019 onwards involving allegations of alcohol being served outside of licensable hours, misuse of drugs on the premises and excessive noise from the Premises. I have previously visited the premises on occasions in company with TMBC Officers Louise Ashton and Ian Pascoe where compliance and licensing checks have been conducted.

On 21st November 2019 whilst liaising with Police Officers and Police Community Support Officers who cover the area of Hurst Cross and St Michaels, I was informed of concerns which the local offices had about incidents which had occurred outside the Royal Oak Public House. I was informed that an overt Public Facing TMBC camera situated at Hurst Cross, Ashton under Lyne had captured incidents from 10<sup>th</sup> October 2019, 11<sup>th</sup> October 2019 and 18<sup>th</sup> October 2019. This recorded footage was forwarded to local Police and was exhibited accordingly. This footage show the following:-

Signature:.....

Signature witnessed by:.....

2010/11

RESTRICTED (when complete)

**10<sup>th</sup> October 2019**

*23.16hrs Male customer from the Royal Oak is seen to urinate against the front of the Pub, before returning to the front door of the pub, spitting on the doorstep and returning inside the Pub.*

**11<sup>th</sup> October 2019**

*23.00.42hrs Male wearing baseball cap is seen to be holding a small snap bag and is seen to flick the bag before snorting the content. I believe that this behaviour is consistent with taking illegal drugs.*

*23.00.52hrs Male in Baseball Cap is seen to deal to male wearing a black coloured coat*

*23.01.11hrs Male wearing black coloured coat appears to place a key inside the bag before snorting the contents from the key. I believe that this behaviour is consistent with taking illegal drugs.*

*23.10.59hrs A gentleman who is unsteady on his feet is walking past the front of the Pub. He struggles to pass no fewer than eleven patrons from the premises who are drinking alcohol and smoking on the public footpath, obstructing the footpath.*

*23.15hrs Group of males are in possession of glasses, drinking alcohol outside the premises. It is only when a female who is believed to be a member of staff from the Royal Oak comes out that the group return inside the premises.*

**18<sup>th</sup> October 2019**

*22.22.30hrs The DPS Bernadette Corcoran is observed smoking a cigarette whilst stood outside the front door of the premises. At this time a vehicle leaves the car park and drives off towards Queens Road / Hurst Cross. The vehicle is seen to pull up at the Automatic Traffic Signals. At this point the Driver is seen to be inhaling and exhaling from a yellow balloon. The front seat passenger is inflating another yellow balloon, via a container. This is consistent with inflating the balloon with Nitrous oxide (laughing gas) and then inhaling it to get a high.*

On Thursday 28<sup>th</sup> November 2019 Tony Sullivan attended the Licensing Office at TMBC, Tame Street, Stalybridge. Also present in this meeting was Ian Pascoe, Regulatory Compliance Officer and Mike Robinson, Licensing Manager. During this meeting the above footage was played in the presence of Tony Sullivan. Mr Sullivan was informed of my lack of confidence in the ability of the DPS to effectively manage the premises. Mr Sullivan acknowledged that the premises were causing concerns and that he intended to take steps to replace the current DPS.

On Wednesday 4<sup>th</sup> December 2019 I wrote to Tony Sullivan of Admiral Taverns informing him of my concerns about the DPS' ability to effectively manage the licensed premises I informed Mr Sullivan of my feelings that it is proportionate for me to consider sending representation on behalf of Greater Manchester Police to Tameside MBC in relation to the Licensing Objectives, under prevention of Crime and Disorder, if no further action was taken by Admiral Taverns.

On Wednesday 4<sup>th</sup> December 2019 Mr Sullivan replied to my email stating the following:-

*"Thank you for your email. What I didn't say in my previous email was that I told Bernadette last Friday that I am looking to replace her asap. And with this in mind I would confirm that I'm interviewing for the Royal Oak next Tuesday / Wednesday and hope to have a replacement in place asap. I hope this meets with your approval."*

*Regards*

*Tony*

Signature:.....

Signature witnessed by:.....

Despite the above, the DPS has remained in place at the Royal Oak Public House and I have been made aware of two further incidents of violence occurring, both inside and outside the Royal Oak Public House. No calls were received by Greater Manchester Police from the management of the Royal Oak Public House. Both incidents were captured by the overt Public Facing TMBC camera situated at Hurst Cross, Ashton under Lyne.

On 27<sup>th</sup> December 2019 I received notification from TMBC CCTV that on Thursday 26<sup>th</sup> December at approximately 22:30hrs an argument broke out outside the pub. About half a dozen people were involved in the argument. Cars had to swerve around them. At one point a female can be seen hitting the bonnet of a vehicle (not involved). It's possible the offenders left in vehicles parked on Nook Lane. When police arrived patrons denied anything had taken place.

As a result of this incident I contacted Bernadette Corcoran at 11.21hrs on 31<sup>st</sup> December 2019. I left a detailed message requesting CCTV footage from inside the Royal Oak.

At 09.58hrs on 1<sup>st</sup> January 2020 I received notification from TMBC CCTV of another incident at the Royal Oak Public House which occurred in the early hours of New Year's Day. A male enters the pub approx. 02:00hrs, within a minute he is escorted out by the Landlady. A male then appears from the pub with a cut to his head. No altercation caught on TMBC camera. The incident happened inside the pub.

As a result of this incident I emailed Tony Sullivan at 08.40hrs on 2<sup>nd</sup> January 2020 informing him of the incidents on Boxing Day and in the early hours of New Year's Day. I again reiterated my concerns with regards to the ability of the DPS to promote the Licensing Objectives and her failure to provide requested CCTV from the incidents.

Mr Sullivan responded to the email detailing accounts from the DPS and stating that CCTV was to be made available by the DPS.

At 12.26hrs on Friday 3<sup>rd</sup> January Bernadette Corcoran (DPS) telephoned me to say that footage had been down loaded and was ready for collection from the Royal Oak. At 13.15hrs I attended in company with Ian Pascoe and we viewed the footage via the CCTV monitor within the living accommodation at the Pub. This footage captured incidents at the premises though the footage was 1 hr and 7 minutes out. At the time of viewing the CCTV the time was actually 14.22hrs and the CCTV was showing 15.22hrs. During this visit I was shown the incident book in relation to these incidents which I took copies of.

Despite being provided with a memory stick by the DPS, this memory stick only showed 15 different captures of footage. None of these showed the two incidents I had requested.

I informed Tony Sullivan of the failure of the DPS to provide the required footage at 15.16hrs on 14<sup>th</sup> January 2020 via email.

On 17<sup>th</sup> January 2020 Ian Pascoe from TMBC collected the memory stick from the DPS at the premises. On reviewing the memory stick it was discovered that the contents of the devise again did not contain all the requested footage and only showed the incident from New Year's Day.

At 13.12hrs on Monday 20<sup>th</sup> January 2020 I emailed Tony Sullivan requesting the footage from 26<sup>th</sup> December 2019. Mr Sullivan replied confirming that he had previously requested the footage from the DPS.

At 13.00hrs on Wednesday 22<sup>nd</sup> January 2020 I received a telephone call from Bernadette informing me that the footage was ready for collection. I immediately attended at the Royal Oak and collected the additional memory stick containing the footage.

Signature:.....

Signature witnessed by:.....

The licence for the Royal Oak states that Recorded Footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. The provision of the wrong footage and having to wait from 31<sup>st</sup> December when I first requested the footage until 22<sup>nd</sup> January 2020 (22 days later), demonstrates the inability of the DPS to conform to the conditions detailed in the Licence.

Having received all the requested footage I reviewed the footage from the Royal Oak Public House and I logged the incidents from both the Pub and Council CCTV. This footage showed the following:-

**26<sup>th</sup> December 2019**

***23.59.51hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Argument in Vault on premises between patrons.***

***23.32.50hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Member of staff removes two males and one female from premises following argument in the vault.***

***23.33.35hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Ejected female attempts to move 'A' board from the front of the premises.***

***23.33.54hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Ejected female throws mobile telephone at window of Public House.***

***23.34.00hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Two males who were sat inside the Royal Oak close to the window where the mobile telephone was thrown at come out of the Pub and confront the three ejected persons. Fighting in the street then follows with seven persons being involved.***

***22.28.20hrs  
Council CCTV captures the disorder and fighting on the street following the argument in the vault.  
Police Officers are called by TMBC CCTV Operators.  
Two Police cars and one Police Van attend, arriving to a grade one incident, using full emergency equipment.  
Police arrive at 22.28.22hrs***

**1<sup>st</sup> January 2020**

***03.11.48hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
CCTV Footage shows male wearing white sweater arriving at the Royal Oak and entering for the first time with a female.***

***03.11.54hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Male in white sweater enters the Royal Oak Vault and greets male in dark clothing with a handshake.  
DPS is present and does not appear concerned with the presence of the males.***

***03.12.29hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Male in white sweater starts to argue with male who is playing pool***

***03.12.48hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Male in white sweater throws glass towards the male playing pool. The glass strikes the head of the male he had previously greeted wearing dark clothing. The glass causes a cut to right side of his face/ head.***

***03.12.58hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)***

Signature:.....

Signature witnessed by: .....

*Male in white sweater is escorted from the premises by the DPS who is seen to remonstrate and point her finger at the offender who walks off towards Oldham.*

*02.03.40hrs Council CCTV picks up the male in white sweater (offender) arriving at the Royal Oak. The male appears agitated and argues at the door.*

*02.04.04hrs Male in white sweater (offender) enters the Pub. The DPS is seen to be present and allows the male to enter the Premises.*

*02.05.18hrs Male in white sweater (offender) leaves the Royal Oak via the front door and is seen to walk off with a female towards Oldham. At this time the DPS is seen on the footage appearing to point at the offender.*

*02.06.20hrs There is footage of an argument at the front door of the premises, The DPS is taken inside the pub by her partner*

*02.09hrs Two males walk away from the Pub. Front Door is closed and CCTV Footage concludes.*

On Tuesday 11<sup>th</sup> February I was notified of an incident which occurred outside the Royal Oak in which a female had reported being assaulted. The victim claims that she was with friends who were intoxicated and the offender who was heavily intoxicated, to the point where he is struggling to stand. Because of his level of drunkenness the offender had begun causing a commotion in the house, including damaging a few plates through clumsiness. The group then decide to go to a nearby public house, the Royal Oak, despite AP's reservations, where they all continue to drink. The group are seen on CCTV outside the front door of the pub, standing on the pavement, smoking cigarettes before a fight breaks out. The victim attempts to intervene and calm the situation and claims she is physically grabbed hold of and shoved her away using a great deal of force. The victim falls to the floor quite severely, and as a result injures her right leg and right forearm. Her forearm is later found to have been fractured in two places, and her leg is heavily grazed and badly bruised.

#### **1<sup>st</sup> February 2020**

*01.24.28hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
2 males and female outside Royal Oak smoking*

*01.26.06hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Fight starts between two males*

*01.26.20hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Fight spills over the carriageway into Nook Lane*

*01.26.37hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Female is assaulted and pushed with force to the ground (Crime number 06GG/0002659/20 refers)*

*01.29.15hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Female returns to the Royal Oak and enters Pub.*

*01.29.36hrs (Royal Oak CCTV is 1 hr 7 mins in front of correct time)  
Male returns to the Royal Oak and enters Pub.*

On 13th February 2020 I checked the Greater Manchester Police Computer System for Incidents at both the Royal Oak Public House and 23 Nook Lane Ashton under Lyne. Since 6<sup>th</sup> June 2019 there have been two reported incidents.

Signature:.....

Signature witnessed by: .....



I believe the DPS has failed to demonstrate her ability to promote the Licensing Objectives at the premises. Incidents captured on both Royal Oak CCTV and TMBC CCTV systems evidence that there are incidents of Crime and Disorder occurring at The Royal Oak which are not being managed effectively by the DPS, Bernadette Corcoran. The footage shows incidents, arguments and assaults inside the premises are detected and acknowledged. The footage also evidences that these same incidents, which the DPS is aware of, are allowed to spill outside the premises without any attempt to dissuade other patrons from exiting the Premises for the sole purpose of committing crime and disorder. The footage also shows that there are incidents occurring outside the premises which are ignored by staff from the Royal Oak.

It causes me concern that on the occasions when it is clear that the DPS, her partner and her staff are aware of assaults occurring both on and off the premises that there have been no calls made to Police to report such matters. No attempt is made to prevent patrons walking freely to and from the premises in possession of alcoholic drinks and glasses. It is evident that patrons from the Royal Oak are responsible for this disorder and the subsequent injuries.

At 12.00hrs on Friday 24<sup>th</sup> January a meeting was convened at TMBC Tame Street, Stalybridge with Tony Sullivan, Business Development Manager with Admiral Taverns, Ian Pascoe, Regulatory Compliance Officer TMBC and I. Incidents at the premises were openly discussed.

During this meeting I recommended Licensing Conditions to be volunteered to the Licence of The Royal Oak by the Premise Licence Holder. This request was proposed in order for the premises to comply with the requirements of the Licensing Act 2003 and to ensure promotion of the licensing objectives for Prevention of crime and disorder and Public safety. It is suggested that the appropriate and proportionate way to deal with these incidents that have occurred is the modification of conditions of the licence and implementation of the following Licensing Conditions:-

1. The implementation of SIA 'Approved' Doorstaff working Friday – Saturday between 2100hrs – ½ hour after closing time. One member of Doorstaff within these times and for any sporting event being shown on the premises.
2. CCTV will be improved covering each entry and exit point of the premises and the car park.
3. Smoking to only be permitted in the car park / beer garden
4. No glass to be taken beyond the front entrance to the premises.
5. Sale of alcohol to conclude at midnight – Sunday – Thursday  
0100hrs Friday – Saturday

The recommended Licensing Conditions in relation to Doorstaff were dismissed by Tony Sullivan as unachievable.

At 09.00hrs on Tuesday 28<sup>th</sup> January I attended at Stretford Police Station in possession of GMP Property Reference Number GG/004778/20 which contained 3 TMBC Disks and 2 Memory Stick from the Royal Oak. GMP CCTV retrieval Officer Elena Samson produced a compilation of incident from the Royal Oak which are to be made available in relation to the Review of Premises Licence.

I have caused the production of the following exhibits which are to be presented for the Review Panel Hearing:-

**MRT/1 VLP (Operation Gritstone) records in relation to the Royal Oak Public House**

**MRT/2 Stills from TMBC CCTV Footage**

Signature:.....

Signature witnessed by:.....

**MRT/3 Photocopy of Incident book – Royal Oak**

**MRT/4 Delegated Authority from Chief Constable.**

**MRT/5 Incidents in relation to the location of the Royal Oak / Hurst Cross**

**MRT/6 CCTV of crime number 06GG/0002659/20 (sect 20) on 1/2/20**

**ES/1 CCTV Compilation of Incidents from the Royal Oak Public House**

It is evident that The Royal Oak, 23 Nook Lane, Ashton under Lyne has been associated with incidents of crime and disorder for at least the past six months. Incidents which are directly related to the premises are impacting on residents from the local community including patrons from the premises fighting on the street and patrons from the pub drug taking on the street whilst consuming alcohol purchased from the Royal Oak.

It is also suggested that the manner in which the premises have been managed, allowing the congregation of patrons outside the premises has led to incidents of alcohol and drug fuelled crime and disorder where patrons of the premises, staff and members of the public are in danger of being subjected to unlawful violence. The knock on effect of the continued and frequent incidents at the premises is having a detrimental effect on the quality of life of the residents who live in the vicinity of The Royal Oak Public House.

To the best of my knowledge and belief there is no reasonable ground for believing that the information produced above, from various Police computer systems, and included in this statement is inaccurate.

As a result of the above information I applied for a review of the Premises Licence for The Royal Oak, 23 Nook Lane, Ashton under Lyne, Denton on the grounds of **The Prevention of Crime and Disorder and Public Safety**. This application was dated Monday 6<sup>th</sup> January 2020.

**PC 14627 Martin Thorley**

Signature:.....

Signature witnessed by:.....

**Witness contact details**

URN

Home address: C/O Hyde Police station Postcode: SK14 2LJ

Home telephone no.: Work telephone no:

Mobile no: 07393145364 E-mail address:

Preferred means of contact: (Specify details for vulnerable/intimidated victims and witnesses only):

Gender: Male Date and place of birth: ,

Former name: Ethnicity code 16+1

**DATES OF WITNESS NON-AVAILABILITY:**

**Witness care**

- a) Is the witness willing and likely to attend court? If 'No', include reason(s) on form MG6.  Yes  No
- b) What can be done to ensure attendance?
- c) Does the witness require Special Measures Assessment as a vulnerable or intimidated witness? Youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases.  Yes  No
- d) Does the witness have any particular 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 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 the police'  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 or other proceedings if applicable: e.g. child care proceedings, CICA.  Yes  No  N/A
- g) Child witness cases only. I have had the provision regarding reporting restrictions Explained to me.  Yes  No  N/A  
I would like CPS to apply for reporting restrictions on my behalf  Yes  No  N/A

I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court;

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): Self Station: Hyde

Time and place statement taken: 1200 hrs Hyde Police station