

# APPENDIX 3

## TAMESIDE METROPOLITAN BOROUGH COUNCIL

### STATEMENT OF WITNESS

(C.J.Act 1967, s.9; M.C.Act 1980, ss5A(3)(a) and 5B; M.C.Rules 1981, r.70)

**STATEMENT OF:** Mike Robinson

**AGE OF WITNESS:** Over 18

**OCCUPATION OF WITNESS:** Regulatory Services Manager

1. I am Mike Robinson, I am a Regulatory Services Manager for Tameside Metropolitan Borough Council and I am currently based in the Regulatory Services Department at Tame Street in Stalybridge, I have held this position since October 2018
2. My duties include, amongst other things, the administration and regulation of the Licensing Act 2003 (the Act) which governs the licensing of premises and their authorised activities under the Act.
3. On Friday 20 March 2020, in response to the serious and imminent threat that the spread of Covid-19 posed to public health, the Prime Minister addressed the nation and called on pubs, bars and restaurants to close as soon as practicable. He said “Following agreement between all four nations of the UK, we are collectively telling cafes, pubs, bars and restaurants to close tonight, as soon as they reasonably can and not open tomorrow.”
4. On Saturday 21 March 2020 at 14:00hrs, The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020, came into force.

This statement, consisting of 4 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 for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 12<sup>th</sup> July 2020

Signed

5. On Friday 3 April 2020, I was working with the Police visiting licensed premises across Tameside to ensure that they were closed. At approximately 17:15 we were driving along Stamford Street when one of the Police Officers noticed that the gate at the front of Top End Bar was open. The Police Officer driving the vehicle drove down Old Street and then back down Stamford Street so that we could visit. As we approached the premises we could see that the gate had been closed, I looked through the window and I could see that people were inside.
6. The front door of the premises was unlocked and I walked inside, accompanied by PC Martin Thorley, Police Licensing Officer. As I walked into the premises, a man I know to be Sanjay Mistry came towards me from behind the bar. He was holding a large carrier bag with a quantity of wine bottles. I explained the purpose of our visit and asked Mr Mistry what why the premises appeared to be open and why he was carrying a bag of wine.
7. Mr Mistry gave two differing accounts for the wine, first he told me that the wine was a gift for a tradesman that had been working for him, a few moments later he the said that the wine was being sold as an off-sale for a customer waiting outside.
8. As we walked over to the bar, I noticed two glasses and a half-empty bottle of purple coloured bulmers fruit cider. One of the glasses contained the rest of the cider, the other glass was empty save for the residue of what appeared to be bitter. I asked Mr Mistry who had been drinking in the bar and he told me that he had been drinking cider. Mr Mistry then approached me and said "Here, smell my breath" and proceeded to breathe directly into my face. I felt very uncomfortable by this and I asked Mr Mistry to step back and observe social distancing.

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**Dated the 12<sup>th</sup> July 2020**

**Signed**

9. At the time of our visit, also present inside the premises were two members of the public. One male, approximately 40-45 years of age and wearing a Manchester United shirt said that he was paying his rent to Mr Mistry and also delivering a joint of meat. The second male was approximately 55-60 years of age and wearing a flat cap. Mr Mistry said that he was having a business meeting with this man and denied that he had been drinking whilst on the premises.
10. PC Thorley checked the cellar and beer the lines appeared free from beer apart from one of the cellar boys which was half full of a beer which looked like bitter.
11. I informed Mr Mistry that I suspected that the premises was open and trading. I advised that the premises should be closed in line with The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 and I left the at approximately 17:35.
12. On Tuesday 7 April, I arranged to meet the premises licence holder, Anita Mistry Jones at the premises in order to collect the CCTV from 3 April which had been requested. Sanjay Mistry was also present and his behaviour was aggressive and confrontational. Mr Mistry also gave a third explanation for why he was carrying a large quantity of wine at the time of my visit on 3 April, he said that he was taking the wine home for his girlfriend.
13. On 9 April a Prohibition Notice served by Environmental Health Officer, Beverley Hursthouse.
14. I reviewed the CCTV footage with PC Thorley on 16 April. The footage showed that on 3 April, Sanjay Mistry had been drinking with the male that had been wearing a flat

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cap for at least 1 hour before we arrived. The male appeared to pay for his drinks and when we arrived hid his pint of beer underneath the table.

15. The circumstances outlined above show that the Licensing Objectives of Crime and Disorder, Public Safety and Public Nuisance are being undermined by the premises continuing to be open and allowing persons to attend and consume alcohol on the premises. This facilitates gatherings of people not from the same household, putting the public at risk of contracting coronavirus and subsequently passing it on to others.

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**Dated the 12<sup>th</sup> July 2020**

**Signed**