

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: Ov 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of five 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: 3rd December 2020Check 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-under-Lyne Police Station. My current role is that of Licensing Officer, Strategic Demand Reduction 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 Cock Hotel, 60 Two Trees Lane, Denton M34 7SZ.**

At 2315hrs on Wednesday 25th November 2020 PC Cookson sent me an email in relation to a breach of The Health Protection (Coronavirus Regulations) (No.4) (England) Regulations 2020. PC Cookson attended at The Cock Public House, 60 Two Trees Lane, Denton on Wednesday 25th November at 1948hrs as a result of a report to Police (Incident Number 2067-251120) reporting that persons had been seen entering the Licensed Premises during a restricted period.

As a result of what was established by PC Cookson on his visit to Licensed Premises, five Fixed Penalty Notices were authorised for issuing for the offence of Contravening requirement not to participate in an indoor gathering of two or more people.

A Fixed Penalty was also authorised to be issued to the Designated Premises Supervisor, Michael Andrew in relation to business Restrictions in that he contravened a requirement to close a premises or business.

Body Worn Video worn by PC Cookson captures his visit and offers supporting evidence in relation to this incident.

On Thursday 26th November 2020 I attended at The Cock Public House, 60 Two Trees Lane, Denton in company with Tameside Council Licensing Manager Mike Robison. On arrival at the premises I was met by a male I know to be Michael Andrew who I know to be the DPS at the premises. I was invited inside the premises where I spoke with the DPS under caution.

Mr Andrew claimed that the previous evening had been a one off and there had been no previous issues. He claimed he was lonely and opened to have company.

Signature:.....

Signature witnessed by:.....

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Mr Andrew showed me the bar area and demonstrated which beer lines were functioning. I could see that three lines were on and functioning. These being Carling, John Smiths and Stella Artois. All other lines appeared to have no more than water inside the lines.

Mr Andrew showed me an invoice from Pedlers Cash and Carry dated 21st November 2020 which was for a cash sale which he claimed he had made himself for the following alcohol purchases:-

- 11 Gallons of Carling @ £110,
- 11 Gallons of John Smiths @ £102.50
- 10 Gallons of Stella Artois @ £100.

The total of the invoice was £375 including VAT. I took a photograph of the Invoice which is exhibited as Exh Ref MRT/2.

Mr Andrew was asked to play various dates on the CCTV system which was in the upstairs office of the Premises. The system appeared to be a 16 channel system which had recording present from as far back as 9th September 2020. It was established during our visit that the CCTV was displaying the incorrect time by one hour. The CCTV footage was found to be of good quality though was showing 1408hrs when the actual time was 1308hrs.

Upon me viewing a couple of dates from the system it was evident that there had been previous breaches to the Covid 19 restriction and so I informed Mr Andrew that I would be seizing the CCTV System to establish if further offences had been committed. This CCTV Hard drive and System was seized at 1330hrs and is exhibited as Exh Ref MRT/1.

This CCTV Hard drive and system was later booked in to GMP Property Reference Number GG/053010/20 at Ashton Police Station.

Whilst Mr Andrew was under caution he was informed that he was to be issued with a Fixed Penalty Notice in relation to business Restrictions in that he contravened a requirement to close a premises or business. Mr Andrew was informed that this Fixed Penalty ticket was for £1000 before the visit was concluded and we left the premises.

At 1348hrs I telephoned Derick Cooper from EI Group informing him of what had occurred and what I had established during my visit in relation to the breach, offences and Fixed Penalty Notices.

I was later in receipt of an email timed at 1442hrs on 26th November 2020 from Joanne Hipkiss informing me that As premises licence holder for The Cock Hotel, EI Group, were to immediately remove Michael Andrew as DPS.

On Monday 30th November 2020 I attended at Greater Manchester Police CCTV Retrieval Unit at Stretford Police Station where I viewed the CCTV Exh Ref MRT/1.

I looked at dates identified by Mr Andrew when there had been football fixtures played and established that there were breaches as follows:-

I have focused on the following cameras from The Cock :-

- Camera 6 - Behind the bar
- Camera 10 - Rear entrance to the Pub
- Camera 11 - Pool Room / Bar

4th November 2020

Camera 6 @ 1911hrs DPS behind Bar putting empty can on Stella Artois in the bin

Signature:.....

Signature witnessed by:

Camera 11 @ 1911hrs DPS/Tennant and another males sat at Bar with alcohol on the bar
 Camera 11 @ 2017hrs Tennant sat at Bar drinking beer. Two males drinking beer whilst sat at table

8th November 2020

Camera 6 @ 1756hrs DPS behind Bar recording sale on paper. Serving behind Bar. Boxes of Stella Artois behind Bar
 Camera 6 @ 2316hrs Serving behind the bar filling glasses
 Camera 6 @ 2317hrs Barman recording sale on piece of paper
 Camera 6 @ 2318hrs DPS recording sale on piece of paper
 Camera 6 @ 2318hrs DPS placing empty can of Stella Artois in bin
 Camera 11 @ 1755hrs five persons drinking at table
 Camera 11 @ 1756hrs DPS and Tennant behind the bar. Tennant serves himself
 Camera 11 @ 1757hrs DPS serves male sat at table
 Camera 11 @ 2314hrs Two persons playing pool whilst vertical drinking
 Camera 11 @ 2314hrs Two person seated smoking cigarette
 Camera 11 @ 2315hrs Barman behind Bar smoking cigarette
 Camera 11 @ 2317hrs Barman serving drinks whilst smoking

9th November 2020

Camera 11 @ 0200hrs Number of persons sat in the dark drinking
 Camera 11 @ 0535hrs Persons sat clapping / drinking in the dark sat at table

15th November 2020

Camera 6 @ 2349hrs Bin behind the bar full of empty Stella Artois cans
 Camera 6 @ 2351hrs DPS recording sale on piece of paper
 Camera 6 @ 2351hrs Barman (Adidas Bottoms) serving behind the Bar
 Camera 11 @ 1830hrs Number of persons sat drinking from cans in the dark. Persons sat at the Bar drinking
 Camera 11 @ 2041hrs Persons playing Pool. Persons drinking Cans seated at the Bar and on Tables
 Camera 11 @ 2207hrs 6 persons drinking and playing Pool
 Camera 11 @ 2348hrs 4 persons drinking in the dark
 Camera 11 @ 2352hrs Barman (Adidas Bottoms) serving two pints

21st November 2020

Camera 6 @ 2350hrs Barman Drinking behind the Bar
 Camera 6 @ 2354hrs Barman recording sale
 Camera 10 @ 1633hrs Persons arriving through rear yard
 Camera 11 @ 1750hrs 6 persons drinking / Playing Pool
 Camera 11 @ 1807hrs DPS serving alcohol from behind the Bar
 Camera 11 @ 2014hrs DPS serving alcohol from behind the Bar
 Camera 11 @ 2015hrs DPS serving alcohol from behind the Bar
 Camera 11 @ 2017hrs DPS appearing to photograph persons in the pub/beer. DPS is drinking. Persons playing Pool

22nd November 2020

Camera 6 @ 0156hrs DPS behind the Bar serving
 Camera 6 @ 0157hrs Barman behind the Bar recording sale on piece of paper
 Camera 6 @ 0159hrs Barman behind the Bar serving
 Camera 11 @ 0152hrs DPS / Barman setting up Karaoke. 10 persons Drinking with Lights out
 Camera 11 @ 0156hrs Serving behind the Bar
 Camera 11 @ 0436hrs Karaoke/ Singing / Dancing / Pool
 Camera 11 @ 0449hrs Barman / DPS singing on Karaoke
 Camera 11 @ 0628hrs Barman/DPS/Female drinking whilst Karaoke machine still on

Signature:.....

Signature witnessed by:

Camera 11 @ 0648hrs DPS turns lights out

25th November 2020

- Camera 10 @ 1827hrs DPS leave premises through rear yard
- Camera 10 @ 1829hrs DPS / Customer enter premises via rear yard
- Camera 10 @ 1836hrs Car pulls up outside rear yard
- Camera 10 @ 1841hrs Customers enter via rear yard
- Camera 10 @ 1842hrs Customers enter via rear yard
- Camera 11 @ 2045hrs Gathering in Pub drinking
- Camera 11 @ 2048hrs Customers make off upstairs on arrival of Police in relation to incident 2067 251120
- Camera 11 @ 2100hrs Males return to Pub having been located by Police
- Camera 11 @ 2102hrs Police leave the Premises

A CD was produced by the CCTV Imaging Unit which is exhibited as Exh Ref EW/1. This evidence was later booked in to GMP Property Reference Number GG/053010/20 at Ashton Police Station.

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

- MRT/1 CCTV System and Hard Drive from The Cock Hotel
- MRT/2 Photograph of Invoice from Pedlers Cash and Carry
- MRT/3 Body Worn Footage of PC Cookson and PC Thorley of visits to The Cock Hotel
- MRT/4 Redacted list of incidents from the Cock Hotel
- MRT/5 Delegated Authority from Chief Constable.
- EW1 CCTV Clips of Covid Breaches and unauthorised Licensable Activity

It is my opinion that having reviewed the CCTV footage in Exh Ref EW/1, Michael Andrew as DPS has committed offences under the Licensing Act 2003 by selling alcohol to customers outside of his licensable hours on more than one occasion. This together with the Covid 19 regulation Breaches are evidence of incidents of crime and disorder impacting on and affecting residents from the local community.

It is the case that the manner in which the premises have been managed, allowing the congregation of persons falls short of what is expected from a licensee in Promoting the Licensing Objectives.

Patrons leaving the premises as late as 0528hrs could have an adverse impact upon 'Public Nuisance' in a residential area affecting residents from the local community.

The Designated Premises Supervisor has put the welfare of staff, customers, attending Police, Council Officers and the wider members of the public in danger of contracting a potentially fatal illness. I consider the behaviour and actions of the management and staff at The Cock Hotel to have been totally irresponsible especially during the period of Tier 2 restrictions up until 4th November and within a period of a National Lockdown from 5th November onwards.

The instructions and regulations given to Licenced Premises are clear and should be understood by everybody. There is a clear risk to Public Health during a global pandemic.

Signature:.....

Signature witnessed by:

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 because of improper use of the computers and to the best of my knowledge and belief at all material times the computers were operating properly, or if not, any respect in which they were not operating properly or were out of operation was not such as to effect the production of information or its accuracy.

PC 14627 Martin Thorley

Signature:.....

Signature witnessed by:

<u>Witness contact details</u>		URN
Home address:	C/O Hyde Police station	Postcode: SK14 2LJ
Home telephone no.:		Work telephone no:
Mobile no:		E-mail address:
Preferred means of contact:	<i>(Specify details for vulnerable/intimidated victims and witnesses only):</i>	
Gender: Male		Date and place of birth: ,
Former name:		Ethnicity code 16+1
DATES OF WITNESS NON-AVAILABILITY:		
<u>Witness care</u>		
a) Is the witness willing and likely to attend court? If 'No', include reason(s) on form MG6.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b) What can be done to ensure attendance?		
c) Does the witness require Special Measures Assessment as a vulnerable or intimidated witness? <i>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.</i>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d) Does the witness have any particular needs? If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<u>Witness consent (for witness completion)</u>		
a) The Victim Personal Statement scheme (victims only) has been explained to me:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b) I have been given the Victim Personal Statement leaflet:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c) I have been given the leaflet 'Giving a witness statement to the police		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d) I consent to police having access to my medical record(s) in relation to this matter: <i>(obtained in accordance with local practice)</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
e) I consent to my medical record in relation to this matter being disclosed to the defence:		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 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.		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
g) Child witness cases only. I have had the provision regarding reporting restrictions		
Explained to me.		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
I would like CPS to apply for reporting restrictions on my behalf		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 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: 1600 hrs Hyde Police station		