

TAMESIDE METROPOLITAN BOROUGH COUNCIL

Statement of witness

(Criminal Procedure Rules, r27.2);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Rebecca Birch

Age of witness: Over 18

Occupation of witness: Regulatory Compliance Officer

I am the above named person. I am employed by Tameside Metropolitan Borough Council as a Regulatory Compliance officer within Public Protection, Environmental Services. I have been employed in this role since January 2020. Within this role I deal with Licensing and Environmental Protection which includes noise pollution.

The Licensing Department in its capacity as a responsible authority have applied for a review of the premises licence as the premises has undermined two of the licensing objectives, namely; The Prevention of Crime and Disorder and Public Safety. This application was submitted on 4 December 2020 and this statement is provided in support of that application.

The premises has had a history of noise complaints, from May 2017 the Council has received 10 complaints relating to loud music and anti-social behaviour from customers leaving the premises.

On 5 November 2020. The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 came into force. These regulations requires public houses to close, except for pre-ordered sales of alcohol for consumptions off the premises, providing the purchaser did not enter the premises.

On the 25 November 2020, Greater Manchester Police (GMP) received a complaint from a member of the public that customers had been seen entering the Cock Hotel via the back door.

At 19:48hrs, GMP enter the premises. Upon arrival they spoke with Michael Andrew, who at the time of the visit, was the Designated Premises Supervisor (DPS).

Mr Andrew informed the Police that he lived at the premises and was having a drink with his lodger whilst watching the football.

This statement (consisting of 3 pages 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 in it anything which I know to be false or do not believe to be true.

Dated:

Signed:

Continuation of witness statement of:

Page 2 of 3

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

Upon further investigation, a Police Officer went upstairs at the premises and found 4 people hiding.

All parties were given Fixed Penalty Notices for facilitating and attending a gathering, clear breaches of The Health Protection (Coronavirus, Restrictions) (England) (No.4) Regulations 2020.

On 26 November 2020, Mike Robinson, the Licensing Manager and PC Martin Thorley, GMP Police Licensing Officer, attended the premises to discuss the offences that had been committed and to view the CCTV.

Initially, Mr Andrew informed the Officers that what had taken place on 25 November 2020 was an isolated incident where regulars of the pub visited him to watch the football together and there had been no sales of alcohol.

Upon review of the CCTV footage, it was found that the premises had been open (via the back door) and trading on a number of occasions, throughout the lockdown period, including on the following dates;

- 8th November
- 15th November
- 21st November
- 25th November

Further CCTV footage also shows that the premises had been open on 4 November 2020. On this date, prior to the lockdown in England, licensed premises were required to sell alcohol only as part of a table meal. The CCTV footage showed that the premises had been operating without selling food.

The DPS had purchased his own barrels of beer to sell to customers during the lockdown. The premises was operated by invite only to regular customers. The premises was operating until the early hours of the morning and karaoke was being conducted along with customers smoking inside.

This statement (consisting of 3 pages 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 in it anything which I know to be false or do not believe to be true.

Dated:

Signed:

Continuation of witness statement of:

Page 3 of 3

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

There have been flagrant breaches of the Covid Regulations and the DPS and PLH have significant failed to uphold the licensing objectives.

This statement (consisting of 3 pages 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 in it anything which I know to be false or do not believe to be true.

Dated:

Signed: