

**RESTRICTED (when complete)****CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
-----	----	--	--	--

Statement of **Andrew THORPE**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Constable 0894**

This statement (consisting of **6** page(s) 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 **Andrew Thorpe**Date: **17/03/2021**Tick if witness evidence is visually recorded  (supply witness details on rear)

I am a serving police officer with Cleveland Police. I am currently stationed with the Licensing Support Unit at Middlesbrough Police HQ.

Part of my role as a licensing support officer is to monitor licensed premises within Hartlepool and Stockton districts ensuring that they are trading within the spirit of the four licensing objectives. We will ask that they will not have an adverse affect on the surrounding community or have a negative impact on Crime & Disorder, Public Safety or Public Nuisance objectives and will Prevent Harm to Children.

This statement is in relation to a request to review the licence of an on-licensed premise, The Porky Pint, Mill Lane, Billingham. Cleveland Police request this review as we believe The Porky Pint has failed to uphold two of the licensing objectives, namely Preventing Crime and Disorder and Public Safety.

The Porky Pint is situated in a row of retail premises with their own parking bays in front

Signature \_\_\_\_\_ Signature Witnessed by \_\_\_\_\_

**RESTRICTED (when complete)****CLEVELAND POLICE**Page No **2**Continuation of Statement of **Andrew THORPE**

---

just off the main road. Opposite these retail units on the other side of the road is a heavily populated residential area.

The Porky Pints Licence is held under the company name of The Porky Pint Ltd and the Designated Premise Supervisor (DPS) is named as Paul HENDERSON who is also named as the director of The Porky Pint Ltd company. The premise licence in its current form has been in place since 16<sup>th</sup> October 2020.

Since 5th November 2020, public houses have been required to close as restricted businesses due to the ongoing COVID-19 pandemic. This is required through law, firstly by The Health Protection (Coronavirus, Restrictions) (England) (No4) Regulations 2020 and then by The Health Protections (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020"). On the whole, premises have remained closed to prevent the spread of the virus and keep the public safe.

The Porky Pint, 40 Mill Lane, Billingham has been open and trading on three occasions over the past three months. These occasions were 12th and 20th November 2020 and 30th January 2021. Cleveland Police and Stockton Borough Council have attended the premise on the three occasions in question when the restrictions were in place and found the premise to be trading and people to be in the premises drinking alcohol. On each occasion it was found that staff were on site serving from the bar, and there were customers in the bar either drinking or eating at the tables. Police also received two further reports from members of the public also stating that this has been happening which unfortunately due to

**RESTRICTED (when complete)****CLEVELAND POLICE**Page No **3**Continuation of Statement of **Andrew THORPE**

---

other ongoing incidents police were unable to attend. Prior to opening on 30<sup>th</sup> January 2021 Mr Henderson advertised his intention to open The Porky Pint on his open Twitter account and I have attached a copy of the posts as exhibits AT/1 and AT/2 for consideration.

Both Cleveland Police and Stockton Borough Council have attempted to engage with Mr Henderson, the premises licence holder and Designated Premises Supervisor, to try to explain the reasons that the premise needs to remain closed and the potential consequences of his repeated refusal to keep the business closed. Mr Henderson has steadfastly refused to cooperate, has breached the COVID -19 Regulations and has, on at least one occasion, stated he does not recognise the Coronavirus Act 2020 and associated Regulations as legitimate legislation.

During the incidents on 12th November 2020 and 20th November 2020, there was government legislation in force under The Health Protection (Coronavirus, Restrictions) (England) (No.4) Regulations 2020 which clearly states:-

*15.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, must—*

*(a) close any premises, or part of the premises, in which food or drink are provided for consumption on those premises, and*

*(b) cease providing food or drink for consumption on its premises.*

**RESTRICTED (when complete)****CLEVELAND POLICE**Page No **4**Continuation of Statement of **Andrew THORPE**

---

There are a number of exceptions to this rule which do not apply in this case and these Regulations cover the 12<sup>th</sup> and 20<sup>th</sup> November breaches.

For the incident which occurred on 30<sup>th</sup> January 2021, The Health Protections (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020” were in force as amended on 6<sup>th</sup> January 2021, however the principle of closure of pubs/ bars has remained the same from 5<sup>th</sup> November.

From 6 January 2021, a new national lockdown applied in all of England. You can only leave home for work purposes where it is unreasonable for you to do your job from home. Hospitality venues are required to close, including cafes, restaurants, pubs, bars and social clubs. This is with the exception of providing food and non-alcoholic drinks for takeaway (until 11pm), click-and-collect and drive-through. All food and drink (including alcohol) can continue to be provided by delivery.

On 12<sup>th</sup> February 2021, Council Licensing Officer and two Licensing officers attended the premises requesting CCTV footage of Saturday 30<sup>th</sup> January 2021 between 12:00-18:00 hours and Saturday 6<sup>th</sup> February 2021 between 12:00 – 18:00 hours. Mr. Henderson said he would not provide footage without an official written request to be put in writing and that he did not think he had a condition in his licence which compelled him to provide footage. Stockton Borough Council sent an e-mail to Mr. Henderson, on 12<sup>th</sup> February 2021 formally requesting the footage and stating that as he was trading on these dates it was

**RESTRICTED (when complete)****CLEVELAND POLICE**Page No **5**Continuation of Statement of **Andrew THORPE**

---

part of his licensing conditions to supply the footage to the police or any responsible authority requesting the footage within 24 hours.

The Licence conditions state as follows with regard to CCTV footage:-

*“There will be at all times a member of staff on duty who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24hrs routine or less if urgently required for investigation of serious crime”*

Whilst appreciating Mr Henderson’s right to seek independent legal advice, the condition on his licence states that a trained person should be at the premises in a position to provide any CCTV to Cleveland Police in a timely matter e.g. within 24 hours. Although the request was made verbally on 12th February, the CCTV has still not been provided and there was no trained person in a position to do this at the premises on 12th February, hence this condition has also been breached.

Mr Henderson has shown a complete disregard for the legislation which the Government implemented to safeguard the public from a devastating pandemic which has been responsible for the deaths of many thousands and left even more with serious ongoing health issues. The premises should not have been open at all on the three occasions detailed and Mr Henderson does not want to listen to advice or acknowledge the legality of

**RESTRICTED (when complete)****CLEVELAND POLICE**Page No **6**Continuation of Statement of **Andrew THORPE**

---

the coronavirus legislation. We would unfortunately ask that the committee consider a revocation of the premise licence in light of Mr Henderson's refusal to abide by the governments legislation and to adhere to his own premises licence and conditions which he himself agreed to.

Under the circumstances, Cleveland Police are left with no alternative other than to bring this application for review