

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))

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

This statement (consisting of **8** 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 **A.Thorpe**Date: **16/08/2023**Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable in Cleveland Police presently stationed at Middlesbrough Police station in the Licensing Support Unit.

I have performed this role for over 10 years and during that time I have successfully completed the BIIAB level 2 National Certificate for Licensing Practitioners and the BIIAB level 2 course in the Assessment of Licensed Premises.

Licensing relies heavily on partnership work, not just with the local authority and responsible authorities but with the Premise Licence Holders (PLH), Designated Premise Supervisors (DPS), breweries and landlords. We will always try to work with Licensed Premises when there are issues at the premise, but this is a two-way street and requires the co-operation of all sides.

Cleveland Police have applied for a review of the Premise Licence at The Dog House Public House in Macmillan Chambers, Prince regent Street, Stockton, on grounds that it is

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undermining the Licensing objectives for the Prevention of Crime and Disorder and Prevention of Public Nuisance.

The Dog House is situated on the corner of a junction on a busy main road just off Stockton Town Centre. It has changed hands quite a few times since it was granted a premise licence and is a challenging premise to run and control.

Despite trying to work with the licensee, arrange meetings with the Premise licence holder at the premises and trying to discuss ways in which the situation at the premise can be improved with the licence holder we, and the local authority have come up against a brick wall. We have had one pre-arranged meeting with the licensee who is also (through his company) the premise licence holder. The situation with Mr Hayes has been problematic since the start.

On Friday 17th March 2023 Cleveland Police and Stockton Borough Council conducted joint licensing visits in which we visited premises whose licences had recently changed hands or been amended and premises where there have been issues. The Dog House which was previously The Looking Glass, O'Harkers and then Sam's Bar was one of the premises we visited. Neither we or the local authority were aware that the premise had changed hands or that the premise had changed its name. The premise was open and trading, but the correct paperwork had not been submitted transferring the premise to Mr Hayes. Mr Hayes told us at the time he had submitted paperwork and that he had a Designated Premise Supervisor who had signed paperwork, and all had been submitted. The council Licensing Officer checked their system and found that they had not received any paperwork and no payment for the

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transfer of the licence or variation of the DPS had been received to that date. Mr Hayes was told that the matter would be looked in to further and we went to speak to the male that Mr Hayes stated had been nominated as DPS for the premise. On speaking to the male, who was working at another licensed premise in Stockton Town Centre, he confirmed that he had had a conversation with Mr Hayes about being DPS for The Dog House, but that he had neither signed nor submitted paperwork to be DSP for The Dog House. We went back to speak with Mr Hayes and he was advised to close and stay closed until the correct paperwork had been submitted as the previous owner no longer had any involvement in the business and he had no active DPS.

On Monday 22nd May 2023 Cleveland Police and Stockton Borough Council Licensing had arranged a meeting with Mr Hayes at the premise to discuss issues around compliance with the conditions of the licence and a report that the premise could have been open and trading past it's allotted licensing hours on 13th May 2023 after 03:00 hours. We met at The Dog House and whilst we had a productive meeting, the meeting did not resolve the issues raised so we agreed that we would organise another visit with Mr Hayes to give him time to supply CCTV requested by Cleveland Police and to resolve the issues with the conditions on the licence. To date I have not received a copy of the CCTV despite having sent two e-mail requests to Mr Hayes.

Stockton Borough Council Licensing tried to arrange meetings with Mr Hayes on at least a couple of occasions with Cleveland Police and Council Licensing attending the premise on more than one occasion but unfortunately Mr Hayes did not attend.

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A meeting was arranged with Mr Hayes to attend Middlesbrough Police Office for a formal meeting with Cleveland Police and Stockton Borough Council Licensing with a view to trying to tackle the issues that had previously been identified and new issues which had recently come to light including a report that the premise had again been open past its allotted hours on 21st June 2023 after 03:00 hours and carrying out licensable activity. This was arranged by e-mail, and I was led by the dates Mr Hayes advised he would be able to attend. A meeting was arranged for Wednesday 28th June at 1pm and I sent a CCTV request to Mr Hayes asking for CCTV footage for the night the premise was reported to have been open and trading past it's allowed licensable hours. Again, Mr Hayes did not attend and again I have not received a copy of the requested CCTV footage.

I have requested CCTV footage for two time periods from Mr Hayes and have sent e-mail requests through for both, to the e-mail address Mr Hayes supplied but have not had CCTV for either request to date.

I have asked for and received a copy of footage of both the incidents where the premises appears to have been open beyond its `licensable hours on 13th May 2023 and 21st June 2023 from Stockton Borough Council CCTV centre and I exhibit the CCTV footage as AJT1 for the footage for 13th May 2023 and AJT2 for the footage for 21st June 2023.

The footage for 13th May 2023 (AJT1) starts at 03:55:00 hours and finishes at 04:07:00 hours the same day. I have provided an outline of some of the footage from the CCTV below.

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At 03:55:00 hours two males approach the front door of the premise, one of the males unlocks the door and both males go inside.

At 03:55:45 hours a third male appears near to the premise and after looking for something on the pavement lets himself in the premise closing the door behind him.

At 04:05:37 hours CCTV footage shows three persons approaching the premise, one of them opens the door and goes straight inside a second stands in the doorway and a third is outside.

At 04:06:02 hours another three people approach the premises, one of the males from inside has come out and is talking to one member of the group. After a while they all go inside, he premise and the door is closed behind them. This is a total of 9 people inside the premise and whilst we cannot show that licensable activity is being carried out it does provide a valid suspicion.

The footage for 21st June (AJT2) starts at 03:14 hours and stops at 03:36 hours the same day. I will give a quick outline of some of the footage below.

At 03:14:00 hours a male is seen leaving the premise and runs round the corner on to West Row, Stockton and disappears from camera view. You can see when the male leaves the lights are on in the premise.

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At 03:15:22 hours to 03:16:00 hours 6 people leave at varying times but all return inside the premise.

At 03:17:00 hours a male with, what appears to be, a snooker or pool cue case arrives at the door of the premise and is let in.

At 03:25:22 hours 3 males leave the premise 2 stand outside to smoke while the other one walks out of sight of the camera.

At 03:27:00 hours 2 new males arrive at the premise with the male who walked out of camera shot at 03:35:22 hours. One of the males have has a bike. They meet up with the two males stood outside the premise smoking and all five males go back inside the premise.

Whilst the footage does not show licensable activity occurring in the premise the comings and goings and the fact that there are at least 8 different people in the premise over a period of 22 minutes gives cause of concern that there is some form of licensable activity going on in the premise and this is going on well after the premise should have been closed.

Open-Source research on the premise, showed on a Facebook post on the 3rd, 4th and 5th August 2023 that the Dog House had posted a promotion for Single Spirits with a Mixer for £1 all night for each night. The mandatory conditions clearly state that "The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any

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irresponsible promotions in relation to the premises.”. I would suggest that the supply of spirits (which are ordinarily of a much higher ABV than beer, lager or cider) for this price would qualify as being an irresponsible promotion and would encourage people to buy and consume more alcohol in the time they would normally pace themselves if the drinks were at their normal cost. I have screenshot a copy of the posts and exhibit them as evidence reference AJT3 for this review application.

Cleveland Police along with Council Licensing have tried hard to work with the Premise Licence Holder but find that is us initiating much of the contact, raising issues with the premise and even when meetings are arranged, appointments are not kept by the premise licence holder, and I have yet to receive any CCTV from the premise.

Cleveland Police are of the view that the premises Licence holder is undermining the Licensing objectives of Crime and Disorder and Public Nuisance and are in the unfortunate position where we are unable to move forward with the premise and have no other option than to request a review of the premise licence.

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