

Agenda Item No. 4

Additional Information from Durham Constabulary

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Witness contact details

URN

Name of witness: pcso Aimee Guest

Home Address:

Postcode:

E-mail address:

Mobile:

Home Telephone Number:

Work Telephone Number:

Preferred method of contact:

Gender:

Date and place of birth:

Former name:

Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY: ...

Witness care

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*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*) Yes No If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (*victims only*) has been explained to me Yes No
 - b) I have been given the Victim Personal Statement leaflet Yes No
 - c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
 - d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
 - e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No 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 Yes No N/A
 - g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A
- I would like CPS to apply for reporting restrictions on my behalf. Yes No 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

PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by:

Station:

Time and place statement taken:

WITNESS STATEMENT**Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9**

URN

Statement of PCSO 7570 Aimee GUEST

Age if under 18: _____ (if over 18 insert 'over 18') Occupation: Police Community Support Officer

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

Signature

Date

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person and employed by Durham Constabulary as a Police Community Support Officer specialising in Alcohol Licensing. I am currently stationed at Annand House, Meadowfield, Durham. Part of my duties and responsibilities are to monitor and maintain contact with licensed premises on behalf of Durham Constabulary to ensure effective management of the licensed premises.

The Oddfellows Arms Public House is situated on Church Street, Seaham, County Durham. The premises licence holder is Red Oak Taverns Ltd, and there is no current DPS at the premises. Elizabeth PORRITT was the DPS at the premises until 24th October 2018 when she was removed by the premises licence holder.

The premises has been licensed for several years predating the 2003 Act. Front access to the premises is on Church Street, with a lounge immediately to the right when you enter. The Lounge has its own bar and seats approximately 30 people. If you continue walking straight ahead the toilets are to the left. There is an end door in front you which takes you to the bar area which has its own bar and access to the rear beer garden. The bar is the main area for late night drinking with a karaoke held in here along with music on a weekend. The beer garden has a small enclosed area for smokers and a rear gate used to enter and exit throughout the day.

Due to the premises being associated with serious crime and disorder an application for a summary review under section 53A of the Licensing Act 2003 was made and following a hearing on 25th October 2018 the licence was suspended and remains so.

On 20th October 2018 at around 1am a male (Injured Party - IP) has been assaulted within the bar area of the public house by a number of people. The IP has suffered significant injuries consisting of two fractured eye sockets, a broken nose and two fractured ribs. The IP requires surgery to his face whereby metal plates will be put into his face to assist in the healing of his eye sockets.

The incident has been captured on CCTV and shows the IP being assaulted by at least three males within the pub and when the IP is on the floor his head is stamped on. Due to the level of injuries this incident is being initially investigated as a section 20 grievous bodily harm assault, however if intent is proved this will be reclassified as a section 18 grievous bodily harm assault.

The designated premises supervisor (DPS) is seen on CCTV witnessing the assault however she did not ring the

police nor did she request the SIA door staff who were on duty to intervene. The DPS has at no point during or after the incident made contact with the police and we are only aware of it due to the IP's wife contacting us.

Members of bar staff are seen to try and pull the suspects off the IP however they themselves are assaulted by the suspects by being forcefully pushed back.

As a result of this incident the three offenders were all charged with causing grievous bodily harm with intent (Sec 18), this is the highest category of assault. Due to the serious nature of the incident all three offenders were remanded in to custody and put before the next available court. The case remains ongoing.

On 18th October 2018 I attended The Oddfellows Arms to speak to the DPS about an incident I had been made aware of by Durham County Council Licensing (DCC) Officer Martin HAIGH. The parent of a young child had contacted DCC expressing concerns that his child had informed him that he had been in the Oddfellow Arms for around one hour on 14th October 2018.

I asked the DPS if she was aware of any children being in the premises, to which she replied, are you talking about "young XXXX". She confirmed that he had attended the pub the day in question with another young child and had come into the pub see his friends. The DPS stated the young child used to attend the public house with his mother before he was placed into foster care and throughout this time had befriended a number of adults which he thought of as friends..

From the CCTV within the premises, two children are observed within the bar area drinking cans of pop. The DPS identified one of the children as XXXX and he is seen on CCTV interacting with adult males. From the conversation with the DPS it was apparent that she didn't see anything wrong with the children being in the premises. It is my view that she knew that the male child was vulnerable and was in foster care. She also said members of his family who he cannot have contact with attend the premises and at the time of my visit the child's grandfather was in the bar.

Following this incident the CCTV was obtained on 25th October from the premises and it was found the CCTV system only had recordings on from 23rd October until 26th October and was one day ahead of the correct date and time. The premises has a condition on their licence which was attached after a hearing held on 23th April 2013 that CCTV recordings must be retained for a period of no less than 30 days, however they only had 4 day's worth of footage, despite being previously spoken to around the cctv requirements.

On 5th August 2018 at 0100hrs there was another incident at the premises where there has been a verbal argument between two males which has started inside the premises. This is not captured on CCTV as the system had not recorded for the required 30 days and been over written. The males come outside to the front of the premises and become involved in a fight. This has been captured on the external CCTV and shows both the suspect and victim throwing punches at each other and at the end of the fight the suspect using a lamppost for leverage to kick the victim in the face, causing him to fall back and knocking him unconscious. The male can be seen laying unconscious for two minutes.

The CCTV of this footage clearly shows very little interaction by the female member of door staff, who stands over the unconscious male for a short period before returning to the door whilst he is unconscious. At no point does the member of door staff ring for an ambulance or police for assistance. The member of door staff shows no duty of care to the victim nor does she does appear to display a SIA badge.

Eventually the male resumes consciousness and leaves the area. The CCTV of this incident shows a number of persons stood out on the street with bottles/glasses throughout this incident. One male can be seen reenacting what happened minutes before to other persons coming out of the premises and the doorstaff.

The victim did attend hospital a few days after the assault to find he has suffered bruising to the brain and a fracture to the skull. The Police are only made aware of the incident on 13th August 2018 when it is reported by the injured male following his discharged from hospital.

After this incident a meeting was held on 22nd August 2018 with Marytn Webster, area manager for the license holder, Red Oak Taverns. This meeting was carried out along with Martin Haigh from Durham County Council Licensing Enforcement.

Throughout this meeting serious concerns were raised around the lack of CCTV coverage internally and that it wasn't recording for 30 days as per the license conditions, ineffective door staff who appear to have no duty of care for victims of crime, alcohol being taken out onto Church Street whilst patrons went for a cigarette. It was also discussed that the DPS is regularly out of the country and it appeared no-one was responsible for the premises when she wasn't there. The general management of the premises and recording of incidents was non-existent and it was confirmed that the brewery was not aware of any recent problems/incidents at the premises. Concerns were raised about the amount of clutter in both the lounge area and beer garden, with the potential to be used as weapons or a fire risk. Following on from this meeting I arranged for a fire officer to attend the premises and it was found by the fire officer there were a number of deficiencies within the building including lack of fire detection between the three floors of the premises.

It was agreed that temporary conditions would be put in place to improve the management of the premises and that these temporary conditions would be reviewed in November 2018. The agreed temporary conditions are listed below

- Restrict the hours for licensable activities from the current 2:00am back to 1:00am for a period of 3 months – this is back to the hours that we enjoyed prior to the variation in 2017, and I understand is the same as Weatherspoon's nest door.
- No drinks at all to be take outside the front of the pub.
- Plastic glasses only to be used on Friday and Saturday nights (as they currently do).
- SIA badged doorstaff only to be on the door - 1 on a Friday night, 2 on a Saturday, and 2 on the Sunday of a bank holiday.
- I must be made aware by the DPS of any serious incidents that occur.
- All members of staff to be made aware of my mobile phone number and advised that I must be contacted immediately in Elizabeth's absence should any incident occur.
- The clutter will be removed from the beer garden over this weekend into a skip and will be clear by next Tuesday 28th August.
- The clutter in the front bar will also be tidied up and much of it removed.
- The CCTV has already been modified to comply with the license condition that the images are stored for 30 days.

On 7th September 2018 I did a follow up visit at the premises to meet the DPS to see how everything was going at the premises following the temporary conditions being imposed. The DPS stated that she was adhering to the conditions, however said that should she have to have doorstaff on permanently after November she would end up costing her a lot of money. I explained to the DPS the importance of effective doorstaff, to ensure both the patrons and staff where kept safe. Whilst on my visit the rear beer garden was checked, the clutter including old metal chairs had been removed as requested.

However despite agreeing temporary conditions it is apparent that these are not being adhered to, the most recent CCTV which was obtained from the premises only covered 4 days and when I spoke with Martyn Webster on 23rd October over the telephone and I asked him if he was aware of any recent incidents, he confirmed that he hadn't

had any contact from Elizabeth for a while and was not aware of the incident on 20th October. It was at this point I have approached my supervision, SGT Dickenson to make a Summary Review application.

On 15th July 2018 there was another assault which took place outside the premises of The Oddfellows, where by the female member of doorstaff was assaulted by a male she had previously ejected from the pub. The member of doorstaff stated she stated work at 23:40hrs and was immediately involved in an incident with two unknown males and had to use force to remove one of the males from the premises onto Church street.

After a short amount of time she then had to eject a female from the premises at which the original male she had ejected started to behave aggressively towards her. This incident was captured on CCTV and the male suspect can be seen grabbing the female by her hair and upper body, using force to swing the female victim around and out of his way. The male is then seen to punch the victim to the face. The male then walks off away from the area. Following this incident the member of doorstaff suffered bruising to her upper arms and cheek bone.

This investigation is still ongoing however the male suspect who was intoxicated at the time of the incident was only 17 years old which would draw me to the conclusion that the premises are not adopting the challenge 25 scheme as per their license conditions and in fact are allowing and serving underage people. The IP has also contacted the police on 4th November 2018 and stated she wished to retract her original statement, but still wanted the suspect warned about his conduct.

On 24th June 2018 an incident of assault was reported by a female whereby she has been punched to the face by an ex-partner whilst in the premises. The female is later not supportive of any Police involvement and the crime in NFA'd. This incident again was not reported by the premises despite occurring there.

I visited the premises on 21st June 2018 to see what the DPS had planned for carnival weekend. She confirmed that for Friday, Saturday and Sunday there would be doorstaff in place from 6pm till closing and that plastic glasses would be used for the full weekend. I sat down with the DPS and addressed my concerns about the rise in violent incidents at the premises. The DPS claimed she had doorstaff on a weekend from 10pm till closing and that plastic glasses are used from 12am till closing on a weekend. I addressed concerns about persons being drunk and still getting served. She explained that she wouldn't serve anyone if they were drunk. I checked the incident book whilst I was there, this had no refusals of the sale of alcohol in and no recent incidents were logged.

On 6th May 2018 ambulance reported to police they were attending to a male at the pub with a head wound who was unconscious, a disturbance could be heard in the background. The injured male was taken to Sunderland Royal however discharged himself at 04:00hrs and was reported as being extremely intoxicated. The DPS confirmed to police that he had been drinking in the Oddfellows since the morning.

On 28th April 2018 I was made aware of incident DHM-28042018-0057. This was a report of an assault inside the premises whereby female victim has been punched to the face by her sister whilst both were intoxicated. This incident was rang in by the female victim.

On 24th February 2018 there was another domestic incident within the pub whereby ex partners ended up fighting and one ends up with a broken nose. Again this isn't reported by the pub and the CCTV isn't fit for purpose.

On 8th February 2018 a male was assaulted whilst in the beer garden of The Odd fellow Arms, by a number of other males. When officers have checked the CCTV it appeared not to be working as the screen was black however the DPS stated she would contact the CCTV company and find out if there was any footage. This was done by the DPS and it was confirmed the CCTV wasn't working on the day the male was assaulted. The male victim had very little recollection of the assault and when police officers have attended the premises just after the assault and spoken to people at the pub they all claim nothing has occurred. The male victim couldn't be spoken to on the night of the assault due to his intoxicated state. This incident wasn't reported to the police by the premises.

On 5th November 2017 there has been another incident within the premises whereby 3 males have been arrested, all were intoxicated at the time. Again there were issues with the CCTV and the pub didn't report the incident.

Following a lengthy investigation on 1st April 2018 the people responsible were given cautions.

In October 2017 I was made aware of an incident at The Oddfellows by the DPS. This was later recorded as DHM-26102917-0278. The DPS again hadn't reported the incident but informed me of about it and showed me the CCTV. She claimed that the victim wasn't sure on reporting the incident. The Victim did eventually report the incident 5 days after it occurred stating he was drunk at the time so could remember little about it. When the CCTV was viewed it showed the victim sat down in the beer garden when he is approached by two males and there has been a sustained attack whereby he has been repealed stamped on and hit with chairs. At no time does any intervene. Due to the nature of the victims injuries and the use of weapons both the suspects were charged with causing grievous bodily harm with intent (Sec 18), this is the highest category of assault and subsequently received prison sentences one of which was for 7 years which was later extended to 10 years.

Over the past 12 months there has been a significant rise in incidents at the premises and a number of problems highlighted. Despite working with the premises the incidents are still occurring and the attachment of temporary conditions do not appear to have changed anything around how the premises are ran and managed.

Signature:

Signature witnessed by: