

Item 5 - Additional Information from Durham Constabulary

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WITNESS STATEMENT**Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9 Magistrates' Courts Act 1980, s.5B**

URN

Statement of Sgt 484 Caroline Dickenson

Age if under 18: o/18

(if over 18 insert 'over 18')

Occupation: police sgt

This statement (consisting of 1 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 C Dickenson

Date 17/05/2024

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)*

1. I am a Police Sergeant employed in the role of Licensing for Durham Constabulary and I am authorised by a delegation given by the chief officer of police to act on her behalf in all matters pertaining to the Licensing Act 2003. I have carried out this role since August 2006.
2. On Thursday 16th May 2024 I received an email from Helen Johnson who is the licensing team leader for Durham County Council with several attachments relating to Memory Lane Public House and the upcoming licensing hearing on 20th May 2024, which had been served on Durham County Council on 15th May 2024.
3. I have read the written representations on behalf of the premise licence holder dated 15th My 2024 detailed as agenda item 5 and wish to make the following comments.
4. Paragraph 7 makes reference to a dispute between Mrs Bird and her aunt, and that the aunt had withheld control of the CCTV operability. There is no information contained in this paragraph around dates when the dispute started or how long the aunt has withheld control of the cctv operability.
5. Durham Constabulary received a report from Emma Bird on 18th August 2023 reporting that her Aunt P R who she is in partnership with for her business Memory Lane has ripped the CCTV cameras off the wall. Emma Bird advised officer the camera's had been replaced but noticed that P R was switching the cctv camera's off.
6. This incident was crimed ref no and fully investigated and Officers documented on the crime that they had spoken to Emma Bird at 08:00hrs on 24th January 2024. Emma Bird stated that she has already begun civil proceedings between her, and her aunt and this crime was reported 'on legal advice' so she can be given a crime number to use in civil court proceedings'. Both parties own the pub and the CCTV and as reported this appears to be an ongoing civil dispute between two business owners and will not result in a criminal prosecution of the suspect due to the allegation ultimately being that she has damaged her own property. The victim has confirmed that the suspect has paid for and has ownership of the CCTV cameras.
7. On 5th September 2023 Durham police licensing officer Kelly Hyde contacted Emma Bird, after receiving a message to contact her, the following was documented on police systems. Emma advised that she was in dispute with her business partner and currently has a court case against her regarding taking money from the business. P R, the business partner, is turning off the CCTV and has damaged some cameras. Emma is aware this is a breach of her licence and that she would be responsible for any breaches. I discussed the



possibility of locking the CCTV away so that it cannot be turned off. She advised she had been in touch with the CCTV supplier and asked them to come out to change the plug to prevent it from being turned off.

8. From the date the crime was reported on 18th August 2023 and the advise given to Emma Bird by police licensing on 5th September 2023 it would suggest that the issue around the CCTV and the PLH/DPS not having control of it has been going on for several months and the advise given around locking the CCTV away and changing the plug has not been done if the Aunt still had control over the CCTV.
9. Paragraph 9 makes referent to a new and independent CCTV system which Emma Bird retains control over, but no further information has been provided in the statement. There is an email stating the unit will be in a secure area and a strong box to secure it from removal of tampering there has been no evidence provided e.g. photographs to show the CCTV in situ in the box, information around the specifications of the cctv e.g. does it have battery back up should it be switched off.
10. Paragraphs 15, 16 and 17 make further reference to the CCTV, and that the criticisms around the cctv cannot be characterised as a breach of licensing conditions.
- 11 Paragraph 15 states "The premises will ensure that a trained member of staff is available to operate the CCTV system at all times and download any images requested by Police or an authorised officer of the local authority and provided within 48 hours of a request being made."
12. However, not included in the statement is the first part of the condition which states "A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff. CCTV recordings will be retained for a minimum of 28 days." I would argue that "in operation at all premises are being used for licensable activity" means that all the cctv functions are in operation and that the ability to view and obtain footage there and then is classed as in operation.
13. Paragraph 20 states the review does not make clear that the incident took place at just 8 minutes past 11pm and there was no obligation for the premises to be closed by that time. When the application for this premise license was received on 23rd July 2021, I submitted a representation around the application in particular the hours they had applied for. Following mediation, it was agreed by Emma Bird to change the opening hours to Monday to Saturday, 8am to 11pm and Sunday 8am to 10.30pm and the sale of alcohol - Monday to Saturday, 8am to 11pm and Sunday 8am to 10.30pm. I will exhibit the email I received in full as CD/1.
14. Although closing times are not enforceable under the licensing act Emma Bird offered the closing time of 11pm in order to avoid the application going before the Sub licensing committee and also wanted the sale of alcohol times to match the closing time therefore not having drinking up time as noted in Paragraph 20.
15. On 18th March 2024, a call was received in police control room from S D who reported that her sister, P R had assaulted her on SUNDAY 17th MARCH 2024 at MEMORY LANE PUB, CHURCH STREET, Crime ref refers. Following police investigation, it has been established the pub is co-owned between the sisters and there are ongoing issues regarding ownership where solicitors are involved and tensions are currently high. Both P and S have been in the pub drinking on the 17/03/24 when they have begun arguing. Footage has been reviewed by police and both parties have been as bad as each other with no clear victim.
16. Despite police being call the incident book records received does not have any incident documented for 17th March 2024.
17. On 3rd March 2024, a call was received into police control room from P R stating that Emma Bird had turned up at Memory Lane Public house and that she wasn't allowed at the address. Advise was given that this was a civil dispute and that both parties had the right to be at the pub.
18. Again, despite police being called the incident book records received does not have any incident documented for the 3rd March 2024.

19. It is evident that there is an ongoing dispute around this premises and that the PLH/DPS has not had full control over the premises for the past few months. There has been no evidence submitted around how the PLH/DPS s going to address the issues at this premises and ensure the conditions on her license and licensing objectives are upheld. It appears from the statement that they are relying on the committee imposing conditions to the license, however they do not currently adhere to the conditions they have on their license so I feel that this is not the answer and the license needs to be revoked.

Signature: C Dickenson

Signature witnessed by:



From: Helen Johnson - Licensing Team Leader (N'hoods)

Sent: 24 August 2021 16:56

To: Caroline Dickenson; John Hayes; Karen Robson; Tracey Lock; Yvonne Raine; Licensed Economy Team

Subject: Memory Lane, Seaham premises licence application

Importance: High

Hi Caroline and John

We have today received an email from the applicant of the premises licence application for the above premises and I have had a further telephone discussion with Emma Bird to clarify the entertainment side of the application. They are amending the application as follows:

- opening hours - Monday to Saturday, 8am to 11pm and Sunday 8am to 10.30pm. Background music will only be played to comply with the planning permission agreement
- sale of alcohol - Monday to Saturday, 8am to 11pm and Sunday 8am to 10.30pm
- Remove the following licensable activities from the application - live music, recorded music and anything of a similar description

Can you please consider the above amendments and let me know if you wish to progress with your representation therefore, the requirement for a hearing or if this now satisfy your concerns and you wish to withdraw your representation.

If you are to withdraw your representation, can you also state you consider a hearing is now not necessary.

Look forward to hearing from you.

Kind regards

Helen Johnson

Licensing Team Leader

Community Protection Service

Neighbourhoods and Climate Change